POPULATION ESTIMATES TO MAXIMIZE POLICY IMPACT: CSI Methodology for Estimating State Populations with a Record

ACKNOWLEDGMENTS

SUGGESTED CITATION

When citing data pulled from CSI's methodology, we ask that you use the following citation:
The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: cleanslateinitiative.org/data-dashboard.

EXECUTIVE SUMMARY

The Clean Slate Initiative (CSI) has generated novel population estimates for individuals with a conviction or non-conviction record in each state and the District of Columbia. Utilizing the most reliable data from official federal and state databases, our research builds upon methods established by University of Georgia researcher Sarah K. S. Shannon and colleagues (2017) and the Brennan Center for Justice (2020) at New York University School of Law.

This report presents population estimates for individuals in the U.S. who are impacted by arrest or conviction records, with data further broken down by race, ethnicity, sex, and type of record, within each state and over time.

The methodology presented in this report accompanies our interactive online dashboard that can be used to estimate populations impacted by Clean Slate legislation in each state. The dashboard enables users to examine the racial equity implications of the legislation and its various components, such as waiting periods and types of records eligible for clearance. These features empower policymakers and advocates to identify and address potential disparities, ensuring more equitable outcomes in implementing Clean Slate policies.

Estimating the population impacted by Clean Slate legislation presents multiple challenges, such as incomplete or erroneous administrative data, variance in how race and ethnicity are categorized, and the dynamic nature of factors like rearrest, reconviction, and individuals' movement between states. Therefore, **to provide the most accurate population estimates possible, our approach accounts for recidivism, interstate mobility, mortality, and deportations.**

Altogether, we estimate that at least 71 million Americans had a state conviction or non-conviction record in 2019, including 6.1 million people in prison, jail, or on state supervision that year. Another 21.4 million people had felony convictions but were not currently incarcerated or on state supervision, including 15.7 million people whose felony convictions were non-violent. Around 46 million people had misdemeanor convictions. Of those, 32.6 million had no felonies on their record. Over 10 million people had a non-conviction from a prior arrest on their record but no convictions.

Nationwide Data Snapshot:
71.0M Adults Had a Record in 2019.

By **type of record:**
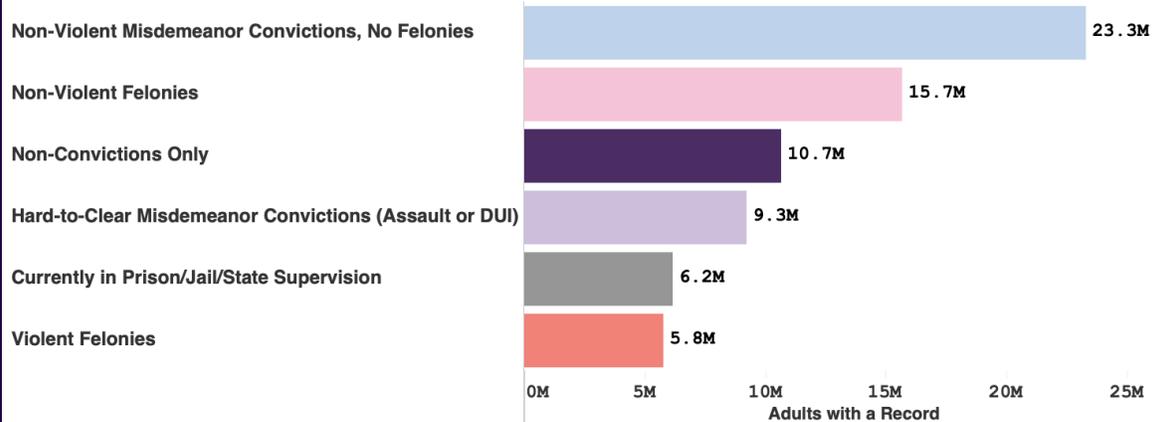
Non-Violent Misdemeanor Convictions, No Felonies	23.3M
Non-Violent Felonies	15.7M
Non-Convictions Only	10.7M
Hard-to-Clear Misdemeanor Convictions (Assault or DUI)	9.3M
Currently in Prison/Jail/State Supervision	6.2M
Violent Felonies	5.8M

Adults with a Record (0M – 25M)

"ALTOGETHER, WE ESTIMATE THAT AT LEAST 71 MILLION AMERICANS HAD A STATE CONVICTION OR NON-CONVICTION RECORD IN 2019."

Nearly 15 million Black people, almost half of the Black voting-age population, had a conviction or non-conviction record. Around 1 million Native Americans[1] (34% of the Native American voting-age population) had a record — vastly disproportionate to their representation in the overall U.S. population. Over 10 million Latinos (25% of the Latino voting-age population), 43 million white Americans and 18.5 million women had records in 2019 (accounting for 27% and 14% of the voting-age population within each group, respectively).

Part 1 of this report details the methodology we used to estimate the number of people with conviction and non-conviction records, adjusted to consider mortality, interstate mobility, and deportation rates.

We estimated **felony convictions** using the following data sources:

■ Prison release and state-level recidivism data from the National Corrections Reporting Program (NCRP) 1991-2019

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[1] Our estimates regarding Native Americans reflect reports of individuals classified by police or correctional agencies as Native American or Alaskan Native. We also use Census data corresponding to the Non-Hispanic population that identifies as Native American or Alaskan Native alone, excluding individuals who identify as more than one race, to calculate the proportion of Native Americans with a record, consistent with how we calculate the portion of Non-Hispanic Black people with a record and Non-Hispanic white people with a record.

- National Prisoner Statistics Program 1978-1990
- Annual Survey of Probation 1985-2018
- Survey of Prison Inmates 2016

We estimated **misdemeanor convictions** using:

- The Brennan Center for Justice (2020) methodology
- Uniform Crime Reporting Program (UCR) arrest data 1995-2019
- National Center for State Courts Court Statistics Project
- Data on misdemeanor recidivism from 8 states, adjusted using state-level probation recidivism data, as well as the 2018 Illinois Sentencing Policy Advisory Council report and data from the 2018-2019 National Survey on Drug Use and Health
- An analysis of the overlap between misdemeanor and felony convictions using data from NYC, TX, FL, and IL
- The number and distribution of convictions per person using data from the National Corrections Reporting Program (NCRP) 1991-2019 and National Longitudinal Survey of Youth 1997-2019

We estimated the number of **non-convictions** using the following data sources:

- National misdemeanor and felony conviction rates obtained from the National Center for State Courts
- State-level conviction rates from Measures for Justice

We break down the state numbers by **race, ethnicity, and sex** using data from the Annual Survey of Probation, NCRP, National Prisoner Statistics Program, UCR, Survey of Prison Inmates, and Annual Survey of Jails.

Finally, we adjust for **mortality rates** using CDC age-adjusted death rates by race and sex; **interstate mobility** using data from the U.S. Census Bureau; **recidivism** using methodologies from the Brennan Center and Shannon et al. (2017), research from the Prison Policy Institute, and data from the NCRP, Measures for Justice, and the National Longitudinal Survey of Youth (NLSY); and **deportations** using the Transactional Records Access Clearinghouse (TRAC) data on Immigration and Customs Enforcement removals by state 2003-2019.

In **Part 2,** we compare our estimates to prior research and official state Criminal History Record (CHR) files, the FBI Interstate Identification Index (III) database, and other research and data sources, and discuss the limitations of our data and areas for future research, given the limited availability of state-level data and potential variations in classifications, charges, and convictions across states.

Our data model produces estimates well aligned with other data sources that approximate the population with felony and misdemeanor convictions and non-convictions. **Overall, our model is consistent with the limited number of other data sources and, in most cases, produces more conservative estimates.**

Ultimately, addressing data limitations and conducting further research will help create a more comprehensive understanding of the total population with a criminal record in each state, informing policy decisions around record clearance and criminal legal system reforms.
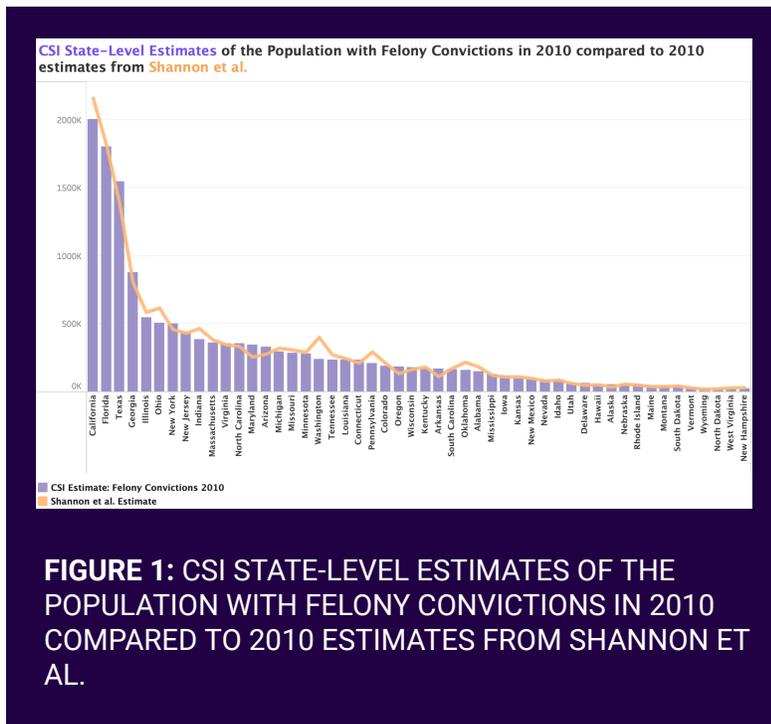
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PART 1: THE CLEAN SLATE INITIATIVE'S METHODOLOGY

The Clean Slate Initiative used several federal and state databases to develop estimates for the overall population with a conviction or non-conviction record as well as a range of groups within this population - including populations with felony convictions, misdemeanor convictions, violent convictions (broken down by felony/misdemeanor) or non-convictions only on their record. In this section, we describe our methodology for estimating each group, as well as the overlap between these groups.

ESTIMATING THE TOTAL NUMBER OF PEOPLE WITH FELONY CONVICTIONS

We relied on methods adapted from prior research to estimate a population of 21 million people with felony convictions in 2019 based on annual prison and felony probation data from 1978-2019, after accounting for state-level recidivism, mortality rates, interstate mobility and deportations due to felony conviction.

FIGURE 1: CSI STATE-LEVEL ESTIMATES OF THE POPULATION WITH FELONY CONVICTIONS IN 2010 COMPARED TO 2010 ESTIMATES FROM SHANNON ET AL.

This represents a conservative estimate of the population with felony convictions, using data from a shorter range of time than that used in research from Shannon et al. and excluding people released from local jails who have been convicted of a felony but have not been imprisoned or sentenced to felony probation.

Excluding post-2010 felony convictions, our felony estimates for most states are generally comparable or lower than the 2010 estimates published by Shannon et al. (2017). *See figure 1 to the left.*

People Released from Prison with Felony Convictions

Using data on prison releases from the National Corrections Reporting Program (NCRP) we estimate the population that has been to prison and has a felony conviction from 1991-2019. We excluded individuals released from prison sentenced to less than one year, as they may not have a felony conviction. We also excluded people released due to death, escape or AWOL to more closely estimate the current population of formerly imprisoned people with felony convictions in each state. We used data from the National Prisoner Statistics Program specifying prison releases in each state to account for prison releases from 1978-1990 and cases where a state failed to report one or more years of prison release data to the National Corrections Reporting Program from 1991-2019.

We then used National Corrections Reporting Program data in each state to account for recidivism among people released from prison. The National Corrections Reporting Program assigns a unique ID number for each person released from prison from 1991-2019, enabling us to determine the number of prison releases per person by state during this period, including breakdowns by race/ethnicity and sex. For years prior to 1991, we assumed a general prison recidivism rate of 58%, consistent with the Brennan Center's methodology. Then we further reduced each population over successive years based on baseline mortality rates provided in the Brennan Center's Online Appendix, adjusted based on state and race/ethnicity/sex specific mortality rates from the CDC. Consistent with epidemiological research, we calculated the mortality rates of people released from prison to be 3.5x higher than the general population in each state.

People Sentenced to Felony Probation

We used data from the Annual Survey of Probation on probation entries within each state to estimate the population that has been convicted of a felony but has not been to prison from 1978-2019.[2] We multiplied total probation entries by the proportion of total probationers in each state that were on felony probation to estimate new felony convictions and then reduced this population using the mortality rates for felony probationers in the Brennan Center's Online Appendix, adjusted based on state-specific mortality rates. Since we did not have state-specific felony probation recidivism data, we used the Brennan Center's approach with 5-year rearrest rates of people on federal community supervision and then used prison recidivism rates for subsequent years. We followed the methodology used by Shannon et al. (2017) to group states

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[2] Since detailed data from the Annual Survey of Probation, including the proportion of probation that involved a felony specifically, is currently publicly available through 2018 at the time of publication, with fewer details reported about probation in more recent years. As such, we assumed a similar amount and distribution of felony probation in 2019 as were reported in the 2018 Annual Survey of Probation.

into High, Median, or Low probation recidivism categories based on the interquartile range of state probation completion rates as specified in the study's Online Resource 1. We then applied the probation recidivism rates provided in Shannon et al. (2017), based on 3-year recidivism rates of 29% for Low probation recidivism rate states, 39% for High probation recidivism rate states, and 35% rate for Median probation recidivism states.[3]

To account for the overlap between prison and probation populations, we subtracted people entering probation after being released from prison each year based on data from the National Prisoner Statistics program. For states that did not report data on overall prison/probation populations or their demographics for particular years, we imputed data from the prior year as a proxy.

Number of People with Felony Convictions by Race/Ethnicity and Sex

We used the demographic data provided by the National Corrections Reporting Program (NCRP) and the Survey of Prison Inmates to calculate the population of Black people, Latinos, Native Americans, Non-Hispanic white people, and women (of all races) with felony convictions who have been to state prison, then used the Annual Survey of Probation data to determine the demographics of people with felony convictions who have not been to prison.

To estimate the population within each group that has been to prison, we divided the total number of state prison releases of each group by the number of releases per person reported to the NCRP. Because Native Americans are grouped into an "Other" racial category in the NCRP database, we estimated Native American prison releases based on data on the Native American prison population reported to the National Prisoner Statistics database. Since the NCRP database underreports Latino incarceration, we used data from the Survey of Prison Inmates 2016 (the latest year available for this survey) to estimate the proportion of Latinos who have been to prison in each state. This survey provides data on the demographics of people incarcerated in state prisons based on how they self-identify, resulting in higher proportions of reported Latinos in prison than administrative datasets.[4] As such, we applied the state-level estimates of Latino incarceration reported by the Survey of Prison Inmates to the total population released from prison reported by the National Corrections Reporting Program (NCRP).

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[3] After comparing our estimates to the FBI Interstate Identification Index (III) database, we re-examined felony probation recidivism rates for 5 states, Arkansas, Connecticut, Maine, Mississippi, and Wisconsin and determined using additional evidence that these states had higher recidivism rates than initially classified by Shannon et al. (2017). See the section below **CSI Model Compared to FBI Interstate Identification Index (III) Database**

[4] For example, the Bureau of Justice Statistics reported on Table 8 of Profile of Prison Inmates 2016 that 16% of people in state prison in 2016 were Latino in the National Corrections Reporting Program database compared to 21% of those in state prison according to the Survey of Prison Inmates 2016.

To estimate the number of people who have a felony conviction who have not been to prison, disaggregated by race/ethnicity and sex. Since the Annual Survey of Probation database does not report the race/ethnicity and sex of those entering felony probation each year, we used the demographics of the overall probation population within each state each year and applied these demographics to the number of reported probation entries that year.

We then used data on 5-year federal probation rearrest rates by race/ethnicity and sex reported by the Bureau of Justice Statistics to estimate felony probation recidivism for each group. *See figure 2 below.*

TABLE 8
Percent of state and federal prisoners released on community supervision in 2005 who were arrested for a new crime or returned to prison, by demographic characteristics, 2005–10

Characteristic	Federal prisoners		State prisoners	
	Arrest	Return to prison[a]	Arrest[b]	Return to prison[a,c]
All released prisoners	47.2%	31.6%	76.5%	59.4%
Sex				
Male	49.6%	33.4%	77.5%	56.4%
Female	35.4	22.1	68.1	44.9
Race/Hispanic origin				
White[d]	39.7%	26.2%	73.1%	53.2%
Black/African American[d]	55.1	35.7	80.6	55.6
Hispanic/Latino	48.3	33.1	75.7	57.8
Other[d,e]	48.5	38.5	74.2	58.8

FIGURE 2: PERCENT OF STATE AND FEDERAL PRISONERS RELEASED ON COMMUNITY SUPERVISION IN 2005 WHO WERE ARRESTED FOR A NEW CRIME OR RETURNED TO PRISON, BY DEMOGRAPHIC CHARACTERISTICS, 2005-10. *SOURCE: BUREAU OF JUSTICE STATISTICS, RECIDIVISM OF OFFENDERS PLACED ON FEDERAL COMMUNITY SUPERVISION IN 2005 AND RECIDIVISM OF STATE PRISONERS RELEASED IN 2005 DATA COLLECTIONS.*

We used CDC age-adjusted death rates by race and sex from 1999-2020 to calculate mortality rates for each group. This methodology yields a 1.22x higher mortality rate for Black people than white people, with lower mortality rates for Latinos (0.74x) and Native Americans (0.82x) and higher mortality rates for men (1.19x) than women (0.85x). These disparities were then applied to CDC mortality rates for each state. *See figure 3 on the next page.*

Race ⬇	➡ Deaths ⬆⬇	⇄ Population ⬆⬇	⇄ Crude Rate Per 100,000 ⬆⬇	⬅ Age Adjusted Rate Per 100,000 ⬆⬇
American Indian or Alaska Native	358,086	88,362,592	405.2	632.6
Asian or Pacific Islander	1,205,780	371,914,051	324.2	425.0
Black or African American	6,814,780	919,034,937	741.5	947.6
White	48,427,695	5,367,045,067	902.3	768.8
Total	**56,806,341**	**6,746,356,647**	**842.0**	**775.3**

Hispanic Origin ⬇	➡ Deaths ⬆⬇	⬅ Population ⬆⬇	⇄ Crude Rate Per 100,000 ⬆⬇	⬅ Age Adjusted Rate Per 100,000 ⬆⬇
Hispanic or Latino	3,437,441	1,077,280,338	319.1	576.2
Not Hispanic or Latino	53,213,146	5,669,076,309	938.7	791.3
Not Stated	155,754	Not Applicable	Not Applicable	Not Applicable
Total	**56,806,341**	**6,746,356,647**	**842.0**	**775.3**

Gender ⬇	➡ Deaths ⬆⬇	⇄ Population ⬆⬇	⇄ Crude Rate Per 100,000 ⬆⬇	⬅ Age Adjusted Rate Per 100,000 ⬆⬇
Female	28,319,495	3,429,003,804	825.9	657.3
Male	28,486,846	3,317,352,843	858.7	921.1
Total	**56,806,341**	**6,746,356,647**	**842.0**	**775.3**

FIGURE 3: MORTALITY RATES 1999-2020 BY RACE, ETHNICITY, AND SEX. *SOURCE: UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES (US DHHS), CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC), NATIONAL CENTER FOR HEALTH STATISTICS (NCHS), UNDERLYING CAUSE OF DEATH 1999-2020 ON CDC WONDER ONLINE DATABASE, RELEASED 2021. DATA ARE COMPILED FROM DATA PROVIDED BY THE 57 VITAL STATISTICS JURISDICTIONS THROUGH THE VITAL STATISTICS COOPERATIVE PROGRAM.*

Number of People with Violent Felony Convictions by Race/Ethnicity and Sex

We used the demographic data provided by the National Corrections Reporting Program (NCRP) to calculate the population of all people with violent felony convictions, and the proportion of Black people, Latinos, Native Americans, Non-Hispanic white people, and women (of all races) with violent felony convictions. To do this, we calculated the proportion of all releases of people with a prison sentence of one year or longer from state prisons from 1991-2019 (the full period of the NCRP database) who were imprisoned on a violent conviction, disaggregated by race/ethnicity and sex.[5]

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[5] Since the NCRP database includes prisoner release data from 44 states, we imputed national averages for the remaining 6 states.

We then applied this proportion to the total population of each group estimated to have felony convictions of any kind.

We used the Bureau of Justice Statistics (BJS) definition of violent offenses in the NCRP database, which includes all prison releases for convictions that include murder or non-negligent manslaughter, negligent manslaughter, rape or sexual assault, aggravated or simple assault, robbery, or "other violent offenses," a catch-all category that includes blackmail, extortion, hit-and-run driving with bodily injury, child abuse, criminal endangerment, kidnapping, and other or unspecified violent offenses. This is a broader definition of violent crime than the definition used by the FBI, which includes murder and non-negligent manslaughter, rape, robbery, and aggravated assault, and may also be broader than many state-level definitions of violent crime. By using prison release data to estimate the proportion of all people with felony convictions who have a violent felony, we likely overestimate the prevalence of violent convictions among people with felony convictions who did not go to prison.

For example, people on felony probation are less likely to have been convicted of a violent offense than people in state prison. Moreover, the proportion of people released from state prison serving sentences for a violent conviction (26%) in the NCRP database exceeds the proportion of violent felony convictions to all felony convictions (18%) reported by the Bureau of Justice Statistics from 1990-2002 (the most recent available report featuring data on this issue). As such, our approach may overstate the proportion of people with felony convictions who have a violent felony and understates the proportion of people who have non-violent felony convictions but no violent felony conviction on their record, which would produce more conservative estimates of eligibility for most record clearance laws.

NUMBER OF PEOPLE WITH MISDEMEANOR CONVICTIONS

There is limited research examining the distribution of misdemeanor convictions within the US population. We relied on a 2020 study produced by the Brennan Center for Justice as the basis for our estimations, which used national arrest data from the Federal Bureau of Investigation (FBI) Uniform Crime Reporting Program (UCR)[6] to calculate misdemeanor convictions.

Since not all agencies report complete (12 month) annual arrest data, the FBI uses a weighting methodology to produce national arrest estimates. **Because these weighted estimates do not include breakdowns by state, we replicated the FBI's methodology to produce comparable**

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[6] Since Florida substantially underreported arrests to the federal UCR database, we used state-level arrests data reported by the Florida Department of Law Enforcement to calculate misdemeanor convictions. However, since the FDLE only publishes disaggregated arrests data from 1998-2019, our estimates likely still represent an underestimate of overall misdemeanor convictions in the state.

estimates disaggregated by race/ethnicity and sex for each of the 50 states plus the District of Columbia that account for non-reporting or under-reporting agencies.

We used the Brennan Center's methodology to calculate initial raw/unweighted totals of arrests most likely to be classified as misdemeanors and hard-to-clear misdemeanors. This method counts the following offense types as misdemeanors: stolen property, vandalism, prostitution, simple assaults, gambling, driving under the influence (DUI), liquor law violations, drunkenness, disorderly conduct, vagrancy, and "all other offenses." Of these likely misdemeanor offense types, we classified arrests for DUI and simple assault as hard-to-clear misdemeanors (arrests for weapons offenses or sex offenses are not included as hard-to-clear misdemeanors since they are not classified as likely misdemeanors according to the Brennan Center's methodology).

We took the raw counts of likely misdemeanor and hard-to-clear misdemeanor arrests for each race/ethnicity and sex and disaggregated these according to complete reporting, partial reporting, and non-reporting agencies.

Then we further disaggregated these data into one of eight population group clusters defined by the size of the population served by the agency and the type of community served (city vs. county). Consistent with the UCR's county-level aggregation method, for each population group cluster, we used the UCR's reported population of jurisdiction for each agency to calculate the total populations served by complete reporting agencies (12 months), partial reporting agencies (3-11 months) and non-reporting (0-2 months) agencies. **We used the totals from each cluster to produce state-level estimates by race/ethnicity and sex. Cluster-specific estimates were then calculated based on the following methodology:**

- The arrest totals by type (likely misdemeanor or likely hard-to-clear misdemeanor) for each race/ethnicity and sex were included as is for all agencies reporting complete data (i.e. submitting arrest data for all 12 months of the year).
- For partial reporting agencies (3-11 months reporting), we divided the number of arrests by type, race/ethnicity, and sex reported by each agency by the proportion of months reported (i.e. agencies reporting 3 months of arrests data would have their arrest totals divided by 3/12 months = 0.25).
- For agencies that reported 0-2 months of arrest data, we calculated arrest totals based on the data from complete reporting agencies within each cluster applied to the proportions of the population served by agencies reporting 0-2 months of data. So if 15% of the total population within a cluster had 0-2 months of data reported and 45% of the population had 12 months of reporting, we calculated arrests using the ratio of [complete arrests] x 15%/45% = [arrests made by agencies reporting 0-2 months of data]. In cases where there were no complete reporting agencies within a given state's population group cluster, we left the 0-2 month reporting agency arrest totals as is.

Once these estimations were applied, we then converted arrests for misdemeanors to convictions by using state-level misdemeanor conviction rates from 32 states[7] and DC obtained from Measures for Justice, the National Center for State Courts, and a recent research study. In 10 of these states,[8] we also obtained disaggregated data with conviction rates for violent vs non-violent misdemeanors, which we used for calculating the number of hard-to-clear vs other misdemeanor convictions.

Where state-level data were unavailable, we used the national misdemeanor conviction rates published in the Brennan Center's Online Appendix, extending the 72% conviction rate used from 2015-2017 through 2019. Consistent with the Brennan Center's methodology, these totals were then multiplied by 9-year recidivism rates from a 2018 report from the Illinois Sentencing Policy Advisory Council (see Figure 5 below) as well as an estimated within-year recidivism rate of 27% from the 2018-19 National Survey on Drug Use and Health to obtain an estimate for new people convicted of misdemeanors each year.

To account for variation in misdemeanor recidivism among states, we obtained misdemeanor probation reconviction data from Connecticut, Florida, Iowa, Illinois, Pennsylvania, North Dakota, Virginia and Wisconsin from Measures for Justice and available state reports. We used the data from these states to calculate High/Median/Low 3-year recidivism rates of 30%, 37% and 44% based on the interquartile range. We then extended these rates based on the 9-year recidivism data from Illinois, obtaining Low/Median/High group recidivism rates of 41%, 51% and 61%, respectively, by the 9th year. *See Figures 4 (right) and 5 (on the next page)*.

State	Type of Recidivism	Misdemeanor Probation Recidivism (3-Year)	Felony Probation Recidivism (3-Year)
Virginia	Reconviction	53%	57%
North Dakota	Reconviction	47%	48%
Wisconsin	Reconviction	41%	38%
Average		37%	37%
Iowa	Rearrest	37%	42%
Illinois	Reconviction	37%	35%
Pennsylvania	Reconviction	33%	30%
Connecticut	Reconviction	28%	27%
Florida	Reconviction	22%	20%

FIGURE 4: COMPARES 3-YEAR MISDEMEANOR AND FELONY PROBATION RECIDIVISM RATES IN STATES WITH AVAILABLE DATA FROM MEASURES FOR JUSTICE.

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[7] Alabama, Alaska, Arizona, Arkansas, California, Colorado, DC, Florida, Hawaii, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Mexico, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington and Wisconsin
[8] Alabama, Arizona, Arkansas, Florida, North Dakota, Oregon, Pennsylvania, Tennessee, Utah and Virginia

Table A. Illinois Recidivism Rates

Year from Release	1	2	3	4	5	6	7	8	9
Adult Probation (misdemeanors)	19.0%	30.0%	36.7%	41.0%	44.1%	46.2%	48.2%	49.7%	50.9%
Adult Probation (felonies)	16.8%	27.9%	35.1%	39.9%	43.2%	45.8%	47.7%	49.4%	50.6%
Adult Prison (felonies)	17.4%	33.0%	43.2%	49.5%	53.7%	56.6%	58.7%	60.5%	62.0%
Combined Recidivism (felonies and misdemeanors)	17.5%	30.6%	39.1%	44.5%	48.1%	50.8%	52.8%	54.5%	55.9%

FIGURE 5: 9-YEAR MISDEMEANOR AND FELONY PROBATION AND PRISON RECIDIVISM RATES IN ILLINOIS, 2018. *SOURCE: STATE OF ILLINOIS SENTENCING POLICY ADVISORY COUNCIL, "ILLINOIS RESULTS FIRST: THE HIGH COST OF RECIDIVISM." (SUMMER 2018).*

Based on the high degree of similarity between misdemeanor and felony probation recidivism rates among the states with available data, we assume misdemeanor probation recidivism rates proceed along a similar trajectory to felony probation recidivism rates. As such, we assume the state-specific felony probation recidivism groupings used in Shannon et al. (2017) are also indicative of patterns of misdemeanor recidivism within each state. Consequently, we grouped states into Low/Median/High misdemeanor recidivism categories based on the felony probation recidivism category assigned in Shannon et al. (2017). **Altogether, we estimate 45.7 million people across the 50 states plus DC had misdemeanor convictions in 2019 - comparable to the 46.8 million people with misdemeanor convictions estimated by the Brennan Center in 2017.**

Number of People with Misdemeanor Convictions by Race/Ethnicity and Sex

Consistent with our methodology for estimating misdemeanor convictions generally, we adjust UCR arrest data to account for non-reporting and partial reporting agencies and then estimate the total number of arrests of Black people, white people, Native Americans, and women (of all races) from 1995-2019. Since law enforcement agencies only recently began consistently reporting data on Latino arrests to the UCR database and such data are reported separately from data on each racial group, we used data on jail incarceration in each state in 1995 and 2019 from the Annual Survey of Jails and demographic data from the US Census Bureau to develop more reasonable estimates of Latino misdemeanor convictions and to disaggregate arrests classified as white or Black into Hispanic and Non-Hispanic populations. As such, our method estimates the Non-Hispanic Black population with misdemeanor convictions, the Non-Hispanic white population with misdemeanor convictions, and the Latino population (of any race) with misdemeanor convictions.

We calculated mortality rates for the misdemeanor population based on CDC age-adjusted death rates for Black people, Latinos, Native Americans, Non-Hispanic whites, and women. We further reduced this population for recidivism, accounting for differences by race/ethnicity and sex based on disparities in misdemeanor probation recidivism rates in the 6 states with such information available via Measures for Justice. We computed the average disparity by race and sex across these states and applied this rate to the remainder of states where no information was available, yielding a recidivism rate for Black people that is 1.25x the rate for white people and a recidivism rate for women that is 0.82x the rate for men. Since misdemeanor recidivism rates for Latinos and Native Americans were only available in 3 and 2 states, respectively, we used the average overall recidivism rate for these groups since they have been found to have similar recidivism rates to the national average in [past](#) [research](#) on probation recidivism. We also applied within-year recidivism rates of 34% for Black people, 25% for white people, and 27% for Latinos and Native Americans, and 21% for women based on demographic breakdowns of within-year jail readmissions [published](#) by the Prison Policy Institute.

Number of People with Misdemeanor Convictions Only, No Felonies

FIGURE 6: OVERLAP BETWEEN MISDEMEANOR AND FELONY CONVICTED POPULATIONS IN NEW YORK CITY, 1980-2019. *SOURCE: CADOFF, BECCA, ERICA BOND, PREETI CHAUHAN, AND ALLIE MEIZLISH, "CRIMINAL CONVICTION RECORDS IN NEW YORK CITY (1980-2019). DATA COLLABORATIVE FOR JUSTICE AT JOHN JAY COLLEGE OF CRIMINAL JUSTICE. (APRIL, 2021).*
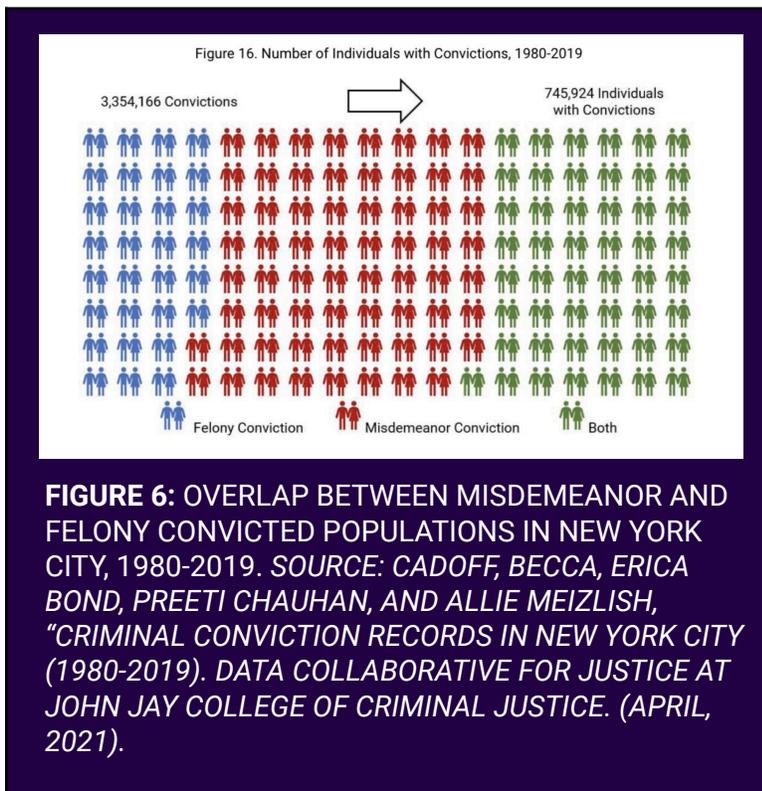
To estimate the size of the population with misdemeanor convictions and no felony convictions, we identified 2 publications and 1 additional dataset that provided information on the overlap between misdemeanor and felony-convicted populations. This includes data on [Illinois](#), [New York City](#), and Orange County, FL. Among these, 36-62% of people with felony convictions also had misdemeanor convictions on their records. One more study - a [national overview](#) of felony defendants in 2009 found that 40% had no prior convictions, meaning no more than 60% of felony defendants had a prior misdemeanor on their record. We took the higher range among these figures and reduced the misdemeanor convicted population by 60% of the felony convicted population to estimate the number of

people with misdemeanor convictions on their record, but no felony convictions. This method helps reduce the likelihood that we would overestimate the number of people who have misdemeanors only on their records and who would be more likely to be eligible for full record clearance. *See Figure 6 on the previous page.*

Number of People with Misdemeanor Convictions Only by Race/Ethnicity and Sex

We used data from an [extensive analysis](#) of convictions in New York City from 1980-2019 to estimate the proportion of Black, Latino and Non-Hispanic White people who have misdemeanor convictions only on their record. Based on this data, we estimated that 60% of the Black population with felony convictions also has misdemeanor convictions on their record, compared to 50% of the Latino population, 56% of the white Non-Hispanic population, and 57% of the population of women with felony convictions. Since New York City has been a particularly heavily policed jurisdiction, with higher arrest rates than most jurisdictions, these figures provide an upper-bound estimate of the population with both felonies and misdemeanor convictions on their record. The remainder of each population with misdemeanor convictions was estimated to have misdemeanors only.

Number of People with Hard-to-Clear Misdemeanor Convictions

Since some states exclude certain misdemeanor convictions from eligibility for record expungement, we estimated the number of people with convictions who might be impacted by common exclusions. Among the offense types included in our analysis of misdemeanor convictions, we estimated hard-to-clear misdemeanor convictions using data on arrests for DUI and simple assaults from the UCR. Like data on misdemeanors in general, we adjusted the arrests data for underreporting/non-reporting agencies and then applied the mortality rates provided in the Brennan Center's Online Appendix and misdemeanor recidivism data specific to violent misdemeanors in the 6 states where such data were provided by Measures for Justice. For the remaining states, we used the same recidivism data for calculating general misdemeanor recidivism to calculate recidivism for hard-to-clear misdemeanors. This method assumes similar recidivism rates and a similar proportion of the population that also has a felony conviction among those with hard-to-clear misdemeanors compared to those with other types of misdemeanors on their records. Moreover, since UCR data does not disaggregate these offenses by felony or misdemeanor, we assumed, based on the Brennan Center's definition of likely misdemeanors and from prior research, that convictions for simple assault and DUI offenses would generally be classified as misdemeanors. Finally, we subtracted this group from the total population with misdemeanor convictions to calculate the impact of these potential exclusions on the broader misdemeanor-convicted population.

NUMBER OF CASES AND CONVICTIONS PER PERSON

We relied on available research on the prior records of felony and misdemeanor defendants to determine what proportion of individuals would have one, two, or more cases or convictions on their record. Among the limited research studies available on the distribution of misdemeanors (examining Illinois, North Carolina, Virginia, New York City, Orange County, FL, and Dane County, WI), an average of 45% of people facing a misdemeanor charge or conviction had no prior felony or misdemeanor convictions on their record. We also used longitudinal data from the National Longitudinal Survey of Youth 1997-2019 to obtain an additional nationwide estimate for the average number and distribution of misdemeanor convictions. After weighting the data, we applied the Brennan Center's methodology for classifying arrests as misdemeanors and classified as likely misdemeanors all reported convictions or guilty pleas for destruction of property, buying or selling stolen property, major traffic offenses, public order offenses, and "any other offense" excluding burglary, theft, drug offenses and violent offenses. Altogether, 37% of respondents who were convicted at least once for a likely misdemeanor reported no additional misdemeanor or felony convictions on their record by ages 35-39. Based on these studies, we estimated that roughly 40% of the total population with misdemeanor convictions nationwide have no other felony or misdemeanor convictions on their record. The remainder of the population would have multiple convictions with a baseline average of 2.2 misdemeanor convictions per person based on data from the National Longitudinal Survey of Youth 1997-2019, taking the weighted average of convictions and guilty pleas for likely misdemeanors reported by respondents.

To estimate the distribution of felony convictions, we used national data from the Bureau of Justice Statistics on felony defendants across the 75 largest US counties. According to this report, 57% of felony defendants had no prior felony convictions and 40% had no prior felony or misdemeanor convictions. We then estimated a baseline of 2.1 felony convictions per person based on an individualized, statewide database of felony convictions in Florida obtained from each county court.

We assumed an exponential distribution of cases and convictions based on available data on arrests from major cities, national data on arrests and convictions from the National Longitudinal Survey of Youth *(see Figure 8 on the next page)*, and recent research examining data on prison recidivism rates in 16 states. For example, linking 2008-2019 arrests data from Los Angeles, San Diego, Dallas, and Chicago by arrestee First Name + Last Name + Date of Birth, we find an exponential distribution where the majority of the individuals had one reported arrest, roughly one-quarter of the population had two, and the remainder was arrested three or more times. *See Figure 7 on the next page*.

LAPD Arrests Data

Dallas Arrests Data

Chicago Arrests Data

San Diego Arrests Data

FIGURE 7: DISTRIBUTION OF ARRESTS PER PERSON AMONG MAJOR CITIES WITH AVAILABLE DATA.

Data from the National Longitudinal Survey of Youth 1997–2019.

FIGURE 8: NATIONAL DISTRIBUTION OF ARRESTS PER RESPONDENT, NATIONAL LONGITUDINAL SURVEY OF YOUTH, 1997-2019.

Number of Convictions by Race/Ethnicity and Sex

We used individualized data from Florida along with national databases from the National Corrections Reporting Program and the National Longitudinal Survey of Youth to estimate racial differences in the distribution of convictions. For felony convictions, we adjusted the baseline average of 2.1 convictions per person based on each state's number of prison releases per person by race/ethnicity and sex reported to the National Corrections Reporting Program.

For misdemeanor convictions, we used data from the National Longitudinal Survey of Youth 1997-2019 showing an average of 2.3 misdemeanor convictions per person among Black respondents with likely misdemeanor convictions, 2.2 misdemeanor convictions per person among white respondents, 2.4 misdemeanor convictions per person among Latino respondents and 2.0 misdemeanor convictions per person among women respondents *(see Figure 9 below)*. We also used these data to estimate differences by race/ethnicity and sex in the proportion of respondents who had 1 misdemeanor conviction vs. those who had multiple convictions on their record. According to the National Longitudinal Survey of Youth database, 29% of Black respondents, 35% of Latino respondents, 41% of white respondents, and 46% of women respondents with likely misdemeanors reported having only 1 conviction on their record. Due to sample size limitations, we could not estimate the average number of misdemeanor convictions among Native Americans. As such, we applied the number of convictions per person and distribution of convictions among Black respondents to this group to obtain more conservative estimates of the population of Native Americans with only 1 conviction on their record.

Weighted average number of *likely misdemeanor* convictions per person among National Longitudinal Survey of Youth 1997–2019 respondents. Likely misdemeanors include convictions or guilty pleas for destruction of property, buying or selling stolen property, major traffic offenses, public order offenses and "any other offense" excluding burglary, theft, drug offenses and violent offenses.
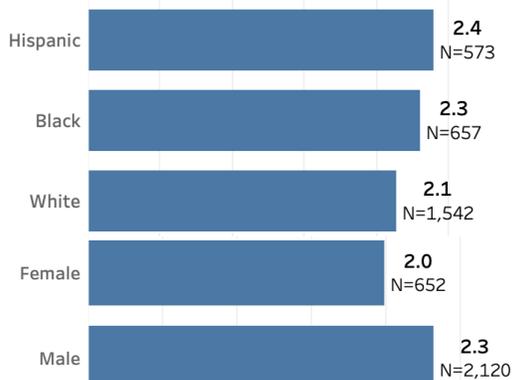
Hispanic	2.4 N=573
Black	2.3 N=657
White	2.1 N=1,542
Female	2.0 N=652
Male	2.3 N=2,120

FIGURE 9: ESTIMATED MISDEMEANOR CONVICTIONS PER PERSON, NATIONAL LONGITUDINAL SURVEY OF YOUTH, 1997-2019.

NUMBER OF PEOPLE WITH NON-CONVICTIONS ONLY

We estimated the number of people who have an arrest, but not a conviction, on their record by calculating the population with one felony or misdemeanor conviction only and then dividing these populations by state-level conviction rates to calculate the total number of people charged among the total population with no other convictions on their record. We obtained state-level felony and misdemeanor conviction rates from Measures for Justice, the National Center for State Courts and a recent research study documenting the conviction rates of 32 states and DC. Where state-level data were unavailable, we imputed national estimates of misdemeanor and felony conviction rates (63% and 74%, respectively). Then we subtracted the population convicted from this overall population to estimate how many people were charged but did not end up being convicted among those who have no other convictions on their record. This produces a conservative estimate of non-convictions that assumes, once convicted, people would be also convicted in any subsequent cases they faced. **We estimate 10.7 million people have records that consist only of non-convictions.**

DEPORTATIONS

While available data on deportation is limited, we found data from Transactional Records Access Clearinghouse (TRAC) specifying the number of deportations from each state per year since 2003, the earliest year with detailed data available. Immigration and Customs Enforcement (ICE) classifies deportations into four categories: Level 1 offenses ("aggravated felonies"), Level 2 offenses ("other felonies"), Level 3 offenses (misdemeanors) and No Conviction. Based on this taxonomy, we used Levels 1 and 2 to estimate the number of deportations of individuals with felony convictions, Level 3 to estimate deportations of people with misdemeanor convictions, and No Conviction deportations to estimate people with non-convictions from 2003-2019. We then reduced each population by 50% to account for people who were deported more than once, based on TRAC data showing 52% of people who were deported in 2016 had been deported previously.

INTERSTATE MOBILITY

Consistent with prior research from Shannon et al. (2017), we used data from the US Census Bureau on state-to-state migration flows to estimate the proportion of people with convictions each year who moved to or from each state. Since the Census does not provide more detailed data specific to each population, we assume similar patterns of interstate mobility between this population and the general population during this period, as well as similar rates of mobility among populations by race/ethnicity/sex.

TOTAL POPULATION WITH A RECORD

We estimated the total population with a record (having any conviction or non-conviction) by combining the estimated total number of people with felony convictions of any kind, people currently incarcerated in prison, jail or on state supervision, people with misdemeanor convictions and no felonies on their record, and the total population with non-convictions only. **We estimate a total of 71 million people have a record.**

PART 2: CSI'S ESTIMATES COMPARED TO OTHER DATA SOURCES

CSI ESTIMATES COMPARED TO PREVIOUS RESEARCH

Our estimates are generally consistent with the [limited data](#) available on the number of people with records in each state, including data reported from state criminal history record (CHR) files, more standardized state-level data reported from the FBI Interstate Identification Index, and other estimates of this population from prior research studies. We've included the estimates from previous studies for comparison below.

Table 1 below shows prior research estimates of the population with felony convictions compared to CSI's estimate as of 2019.

TABLE 1: PRIOR RESEARCH ESTIMATING POPULATION WITH FELONY CONVICTIONS

Data Source	Data Through	Estimate
Schmitt and Warner (2010)	2008	12.3-13.9 million
Shannon et al. (2011)	2010	19.8 million
Bucknor and Barber (2016)	2014	14.0-15.8 million
Shannon et al. (2017)	2010 (including population under correctional control)	19.0 million
Brennan Center (2020)	2017	19.8 million
CSI Methodology (2024)	*2019*	*21.4 million*

Table 2 compares CSI's estimate of the population with misdemeanor convictions through 2019 to the Brennan Center (2020) estimate through 2017.

TABLE 2: PRIOR RESEARCH ESTIMATING POPULATION WITH MISDEMEANOR CONVICTIONS

Data Source	Data Through	Estimate
Brennan Center (2020)	2017	46.8 million
CSI Methodology (2024)	*2019*	*45.7 million*

Table 3 displays the comparison between FBI data and CSI's estimate of the total population with a conviction or non-conviction record.

TABLE 3: ESTIMATES OF THE TOTAL POPULATION WITH A CONVICTION OR NON-CONVICTION RECORD

Data Source	Data Through	Estimate
FBI Next Generation Identification System Criminal Fingerprint Repository	2021	79.9 million
FBI Interstate Identification Index	2018 (excluding federal charges and charges outside the US)	83.9 million
CSI Methodology (2024)	*2019*	*71.0 million*

CSI MODEL COMPARED TO FBI INTERSTATE IDENTIFICATION INDEX (III) DATABASE

As anticipated, our model tends to provide more conservative estimates than what have been reported from the FBI Interstate Identification Index (III) database. As of 2018, the FBI III database reported 83.9 million people with a record at the state level compared to 71 million people with a record estimated by our model. **Broken down by state, the FBI III database reports a larger population with a record than CSI estimates in thirty-two states plus DC.**

By contrast, only five states had a CSI estimated population with a record that exceeded the 2018 FBI III numbers by more than 25%: Arkansas, Connecticut, Maine, Mississippi and Wisconsin. This could be due to these states having higher overall rates of misdemeanor recidivism than what our model assumed based on the felony probation recidivism rates provided in Shannon et al's research. While Shannon et al.'s (2017) study classified these five states as having Low or Median felony probation recidivism rates, four of these states (AR, CT, MS, WI) also reported higher levels of prison recidivism than the national average based on National Corrections Reporting Program and two of these states (CT, WI) reported higher misdemeanor probation recidivism rates than felony probation recidivism rates according to data from Measures for Justice. Based on this additional evidence, we reclassified these states to the High misdemeanor recidivism category, reducing the CSI estimated population with a record in these states by an average of 20% in order to reduce the potential for overestimation of this population relative to official sources. ***The impact of these refinements to our estimates in these states are displayed below in Table 4.***

TABLE 4: CSI ESTIMATED POPULATIONS WITH A RECORD IN 5 STATES EXCEEDED THE FBI INTERSTATE IDENTIFICATION INDEX (III) REPORTED POPULATION WITH A RECORD IN 2018 BY 25% OR MORE.

State	FBI III (2018)	CSI Model (Original)	% CSI Model (Original) / FBI III	CSI Model (Set to High Recidivism)	% CSI Model (Set to High Recidivism) / FBI III
Wisconsin	1,272,046	1,737,880	137%	1,626,340	128%
Maine	213,854	320,191	150%	270,955	127%
Arkansas	819,093	1,353,384	165%	1,018,755	124%
Connecticut	589,446	1,024,759	174%	751,030	127%
Mississippi	608,200	1,175,554	193%	759,396	125%
Total	**3,502,639**	**5,611,768**	**160%**	**4,426,476**	**126%**

Figure 10: 2019 CSI Estimated Population with a Record compared to 2018 FBI Interstate Identification Index Database

FBI III Criminal History Records 2018
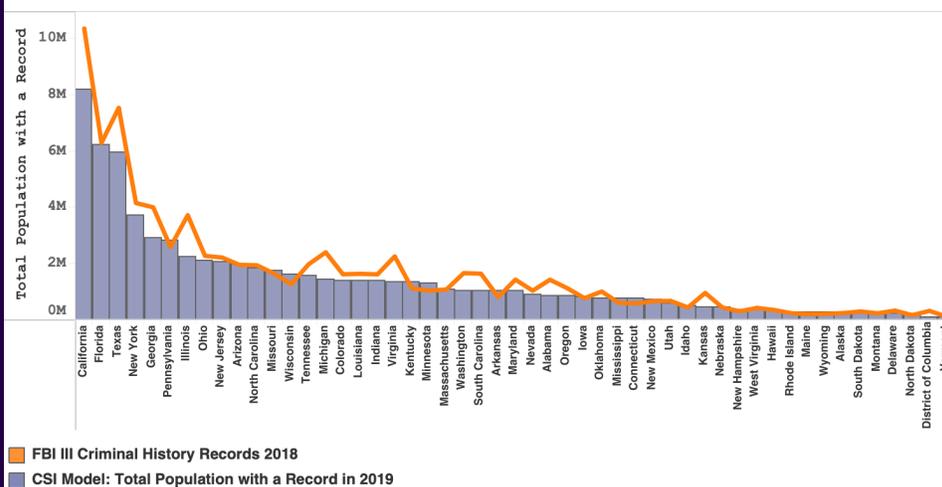CSI Model: Total Population with a Record in 2019

FIGURE 10: DISPLAYS A COMPARISON BETWEEN THE CSI ESTIMATED POPULATION WITH A CONVICTION OR NON-CONVICTION RECORD IN 2019 TO THE 2018 FBI INTERSTATE IDENTIFICATION INDEX FOR THE 50 STATES AND WASHINGTON, D.C., INCLUDING THE RECLASSIFIED ESTIMATES FROM AR, CT, ME, MS AND WI.

CSI MODEL COMPARED TO OFFICIAL STATE CRIMINAL HISTORY RECORD (CHR) FILES

To date, CSI has obtained detailed data from four states (Arkansas, Maine, Tennessee and Texas) that specify the official number of conviction and non-conviction records disaggregated by race, sex, frequency, and type of conviction history. Compared to CSI's model, the official data from these states produce a similar demographic breakdown of the population with a conviction and non-conviction record (see Figures 11 and 12). The data from these states also shows between 56-60% of people who have at least 1 conviction in these states have only 1 conviction on their record, compared to the more conservative 40% benchmark that CSI derived from the National Longitudinal Survey of Youth. Additionally, fewer people in these states had a violent charge or conviction on their record, and more people had non-convictions only, than CSI's model projected (see Figures 13-15 below). Altogether, this suggests an even larger population in these states, and potentially nationwide, could be eligible for full record clearance under existing Clean Slate laws.

Figure 11: CSI Model Compared with Official Data
Percent of People with a Record who are Female

	AR	ME	TN	TX
CSI Model	31%	30%	32%	27%
Official Data	30%	28%	29%	20%

FIGURE 11: CSI MODEL COMPARED WITH OFFICIAL DATA - PERCENT OF PEOPLE WITH A RECORD WHO ARE FEMALE.

Figure 12: CSI Model Compared with Official Data
Percent of People with a Record who are Black

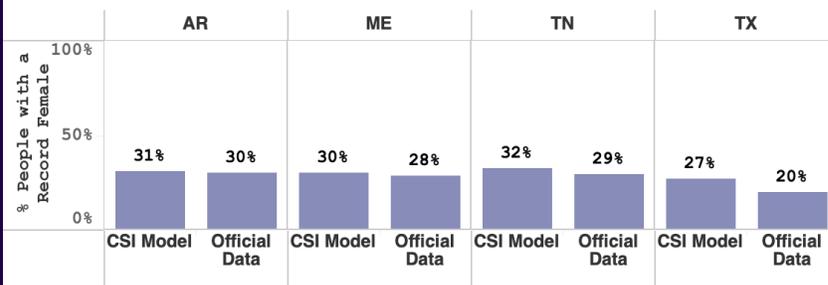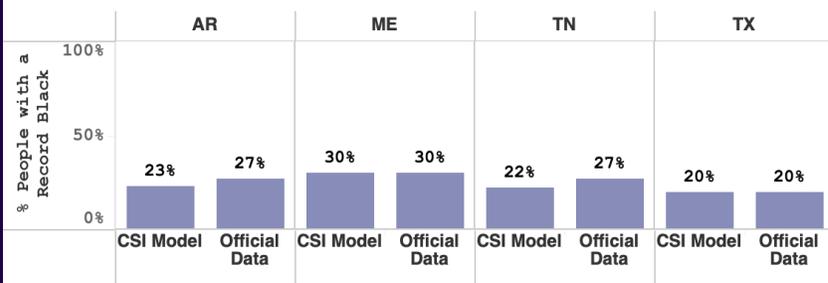|	AR	ME	TN	TX
CSI Model	23%	30%	22%	20%
Official Data	27%	30%	27%	20%

FIGURE 12: CSI MODEL COMPARED WITH OFFICIAL DATA - PERCENT OF PEOPLE WITH A RECORD WHO ARE BLACK.

Figure 13: CSI Model Compared with Official Data
Percent of People with a Record who have Non-Convictions Only

	AR		ME		TN		TX	
CSI Model	9%							
Official Data		29%		31%		38%		15%
CSI Model (ME/TN/TX)			17%		31%		16%	

% with Non-Convictions Only (100%, 50%, 0%)
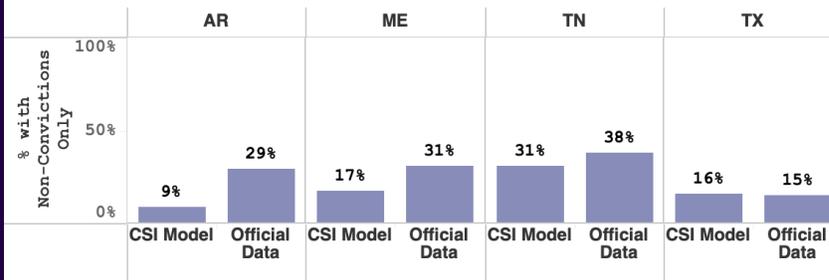
FIGURE 13: CSI MODEL COMPARED WITH OFFICIAL DATA - PERCENT OF PEOPLE WITH A RECORD WHO HAVE NON-CONVICTIONS ONLY.

Figure 14: CSI Model Compared with Official Data
Percent of People with a Conviction Record who have One Conviction

	AR		ME		TN		TX	
CSI Model	40%		40%		40%		40%	
Official Data		62%		56%		59%		62%

% with One Conviction Only (60%, 40%, 20%, 0%)

FIGURE 14: CSI MODEL COMPARED WITH OFFICIAL DATA - PERCENT OF PEOPLE WITH A RECORD WHO HAVE ONE CONVICTION.

Figure 15: CSI Model Compared to Official Data
Percent of People with a Record who have Violent Charges.

	AR		ME		TN	
CSI Model	20%		30%		19%	
Official Data		19%		27%		16%

% with Violent Charges (100%, 50%, 0%)

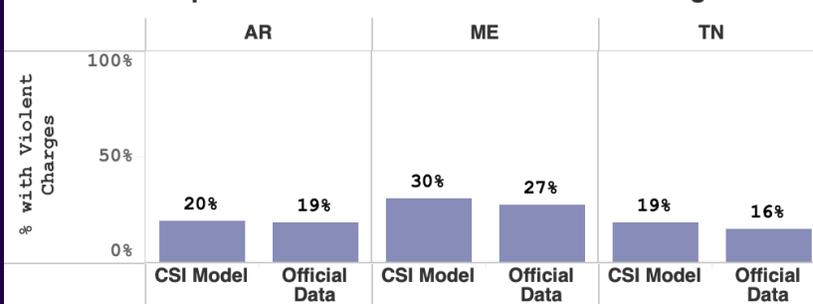**FIGURE 15:** CSI MODEL COMPARED WITH OFFICIAL DATA - PERCENT OF PEOPLE WITH A RECORD WHO HAVE VIOLENT CHARGES.

DEVELOPING IMPACT ESTIMATES IN STATES THAT PASSED CLEAN SLATE LAWS

As of November 2023, 12 states have passed Clean Slate laws: CA, CT, CO, OK, MI, DE, UT, MN, NJ, NY, PA and VA. To project the impact of these laws, we reviewed the legislation in each

state and categorized each state's policy (waiting periods, number and types of conviction or non-conviction records eligible for clearance, etc.) into the taxonomy of our model as specified in the chart below. **Altogether, we estimate approximately 14 million people are eligible to have their full record cleared under the Clean Slate laws enacted in these 12 states.**

Moreover, based on our model, we estimate that an additional 14 million people could have their full record cleared by enacting policies that clear all non-convictions and up to 2 non-violent misdemeanors in the remaining US states. An additional 5 million more people would be eligible to have their full record cleared nationwide under an expanded policy that includes up to 1 non-violent felony.

Table 5 below shows how we use our data model to estimate the number of people eligible to have their full record cleared in the 12 states that have passed Clean Slate.

TABLE 5. ESTIMATED IMPACT FOR PEOPLE ELIGIBLE FOR FULL RECORD CLEARANCE IN THE 12 STATES THAT PASSED CLEAN SLATE

State	Policy Details	Model Proxy	Estimated People Eligible for Full Record Cleared
Connecticut	1. Misdemeanors with 7 year waiting period after last misdemeanor conviction, except certain domestic violence offenses and sex offenses 2. Class D and E felonies, as well as unclassified felonies with prison terms of 5 years or less after 10 years 3. For offenses prior to 1/1/2000, the records are erased when the person files a petition	non-violent misdemeanors if no other misdemeanors with 7 year waiting period + any non-violent felonies if no other misdemeanors or felonies with 10 year waiting period	209,000
Oklahoma	1. Non-convictions after 0 to 5 year waiting period 2. Misdemeanors after 5 year waiting period from date of last misdemeanor sentence completion 3. Certain non-violent felony offenses after 7 year waiting period from date of last misdemeanor	misdemeanor non-convictions + felony non-convictions w/ 5 year waiting period + non-violent misdemeanors w/ 5 year waiting period and no felonies (1+ non-violent misdemeanor,	372,000

	sentence completion and 5 year waiting period from date of felony sentence completion 4. Additional non-violent felony offenses no more than 2 after 10 year waiting period	0 felonies) + 1 non-violent felony w/ 7 year waiting period (1 felony, 0 misdemeanors) + 2 non-violent felonies w/ 10 year waiting period (2 felonies, 0 misdemeanors)	
Delaware	1. All records where the "case is terminated in favor of the accused" with no waiting period (modeled as all non-convictions) 2. Records of convictions for marijuana possession, underage possession of alcohol, and underage consumption of alcohol are also eligible for mandatory expungement with no waiting period. 3. Records of one or more criminal violations relating to the same case, even if the person has prior or subsequent convictions, are eligible for mandatory expungement after 3 years. 4. 1+ misdemeanors relating to the same case with 5 year waiting period from date of last conviction or release from incarceration, whichever is later. Multiple cases eligible as long as 5 or more years has past since most recent. 5. A few felony convictions (including possession of burglar's tools, unlawful use of a payment card, and certain drug-related and forgery convictions) are eligible for mandatory expungement after 10 years if the person has no prior or subsequent convictions.	all non-convictions + people with at least 1 non-violent misdemeanor and no felony convictions after 5 year waiting period + 1 non-violent felony, 0 misdemeanors or other felonies after 10 year waiting period	**61,000**
Colorado	1. All non-convictions 2. Civil infractions after 4 year waiting period 3. Petty offense or misdemeanor after 7 year waiting period from date of last conviction	all non-convictions + non-violent misdemeanors w/ 7 year waiting period + non-violent felonies w/ 10 year waiting period + cap max 3 convictions to be eligible (excludes multiple conviction 2 year petition	**508,000**

	4. Class 4, 5, or 6 felony after 10 year waiting period from date of last conviction 5. Automatic expungement limited to a single case where all convictions are eligible. 6. Sealing of multiple convictions, with the highest offense being a civil offense, a petty offense, or a petty drug offense, requires a 2-year waiting period, payment of outstanding fines/fees, petition	based system for petty/drug petty offenses)	
Utah	1. Non-convictions after 180 days 2. Class C Misdemeanors, Infractions, and Minor Regulatory Offenses after 5 year waiting period 3. Class B Misdemeanors (typically limited to 3) = 6 years 4. Class A Drug Possession misdemeanors (typically limited to 2) = 7 years 5. Not eligible for any relief if person has 2 or more felonies (77-40-105(5)(a))	all non-convictions + all people with up to 3 non-violent misdemeanors after 5 year waiting period with no more than 1 felony on record	**239,000**
Michigan	1. Non-convictions already automatic 2. Up to 4 Non-violent misdemeanors after 7 years 3. Up to 2 Non-violent felonies after 10 years 4. No more than 1 assaultive conviction can be set aside, and multiple convictions for the same crime are ineligible if they have a maximum penalty of more than 10 years in prison.	non-convictions + up to 4 non-violent misdemeanors after 7 years + up to 2 non-violent felonies after 10 years	**211,000**[9]

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[9] Note that CSI's estimate is more conservative than the number provided by the Michigan Attorney General's Office (400,000). See: https://www.michigan.gov/ag/initiatives/expungement-assistance/where-is-my-expungement

Minnesota	1. non-convictions 2. petty misdemeanors other than traffic or parking 3. violations after 2 years 4. misdemeanors after 2 years 5. gross misdemeanors after 3 years (excludes assault, domestic violence offenses, and DWI) 6. felonies listed in section 609A.02, subdivision 3, paragraph (b). (these are mostly financial and drug crimes) after 4-5 years	non-convictions + non-violent misdemeanors after 3 years	**503,000**
New York	1. non-convictions, misdemeanors after 3 years 2. felonies after 8 years 3. sex offenses and class-A felonies excluded (murder, kidnapping, first degree arson, etc:	non-convictions + all misdemeanors after 3 years + all non-violent felonies after 8 years	**3,004,000**
Pennsylvania	1. All non-convictions 2. Automatic clearance: 2nd and 3rd degree Misdemeanors + 1st degree misdemeanors punishable by less than 2 years, 5 year waiting period 3. No felonies clearable, but people with felonies can clear misdemeanors	non-convictions + non-violent misdemeanors after 10 years	**1,054,000**
Virginia	1. Establishes a system of automatic sealing for misdemeanor non-convictions, nine types of misdemeanor convictions, and deferred dismissals for underage alcohol and marijuana possession. 2. Allows for sealing of felony acquittals and dismissals at disposition with the consent of the prosecuting attorney. 3. Provides for sealing nearly all misdemeanors (ex. DUI and domestic assault) after 7 years, Level 5 and 6 felony convictions after 10 conviction-free years, and deferred dismissals through a petition-based court process.	non-convictions + up to 2 non-violent misdemeanors after 7 years	**352,000**

	4. Court debt will not be a barrier to record clearance under the legislation. 5. Introduces a system of court-appointed counsel for individuals who cannot afford an attorney for the petition-based sealing process. 6. Requires private companies that buy and sell criminal records to routinely delete sealed records and creates a private right of action for individuals against companies that refuse to do so.		
New Jersey	1. Marijuana offenses (362k expunged) 2. All dismissals 3. 1 non-violent felony only, except 1 bad day rule. People with felonies can clear misdemeanors 4. All misdemeanors and municipal offenses 5. 5 year waiting period for everything	non-convictions + all misdemeanors, no felonies after 5 years + 1 non-violent felony only	**1,264,000**
California	1. Outstanding court debt not a barrier to sealing records 2. Petition based sealing for felonies resulting in imprisonment, after 4 year waiting period (EXCLUDE from automated clearance) 3. All non-convictions cleared via 2019 bill 4. Marijuana offenses via prop 64 5. Underage first offense misdemeanors 6. All misdemeanors and all felonies that result in jail, after 4 year waiting period	non-convictions + all misdemeanors after 4 years + all non-violent felonies after 4 years	**6,032,000**
Total			**13,809,000**

CSI IMPACT ESTIMATES COMPARED TO REPORTED RECORD CLEARANCE OUTCOMES IN IMPLEMENTATION STATES

Of the 12 states that have enacted Clean Slate laws, only Pennsylvania and Michigan have reported record clearance outcomes from implementing these laws (to date).[10] Additionally, researchers and advocates in Delaware, Utah, Oklahoma and Connecticut have reported record clearance impact projections for the Clean Slate laws recently enacted (but not fully implemented yet) in these states.[11] Altogether, there are reported statistics on the total population eligible for full or partial record clearance in 6 states, with 2 of these states also reporting statistics on full record clearance. Comparing our CSI model to these reported impacts, our model provides conservative impact estimates for five of the six states and an overall impact estimate of 2.5M population receiving full or partial record clearance across these states that is 80% as large as the 3.1M population reported by these official sources (see Figure 16 on the next page). Our impact estimates for full record clearance were even closer, estimating a total population eligible for full record clearance in Connecticut and Michigan that is 96% as large as the population reportedly eligible for full record clearance according to official sources (see Figure 17 below). We will continue to validate and refine our impact estimates as more data becomes available from America's Clean Slate implementation states.

Comparing Reports: Full Record Clearance
Comparing CSI estimates with official reported or estimated impacts of Clean Slate laws in each state.

State	Type	Source	
Connecticut	Estimate	Connecticut State Police (data obtained by Paper Prisons)	209K / 184K
Michigan	Actual	Michigan State Police	211K / 252K
Total	Combined	Combined	420K / 436K

People to Receive Full Record Clearance

■ CSI Estimate: Full Record Clearance
□ State Data: Full Record Clearance

FIGURE 17: COMPARISON OF CSI ESTIMATES WITH OTHER DATA SOURCES FOR FULL RECORD CLEARANCE IN DE, CT, UT, OK, MI, AND PA.

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[10] My Clean Slate PA reported that over 1.2 million people had a record sealed in Pennsylvania as of April 7, 2022. Michigan State Police provided data on the number of people who had conviction records set aside as of April 11, 2023 for *The Brunswick News*.

[11] See: Delaware Online, Utah Governor Spencer J. Fox, KOCO News 5 (ABC) Oklahoma City, Oklahoma, and Chien, Colleen, Hithesh Bathala, Prajakta Pingale, Evan Hastings, and Adam Osmond, "The Connecticut Second Chance Pardon Gap," Paper Prisons. (May 18, 2021).

Comparing Reports: Full or Partial Record Clearance
Comparing CSI estimates with official reported or estimated impacts of Clean Slate laws in each state.

State	Type	Source	CSI Estimate	State Data
Delaware	Estimate	Delaware State Police/DELJIS (data obtained by ACLU of Delaware)	84K	290K
Utah	Estimate	UT Governor's Office	256K	400K
Connecticut	Estimate	Connecticut State Police (data obtained by Paper Prisons)	308K	273K
Michigan	Actual	Michigan State Police	346K	843K
Oklahoma	Estimate	Oklahoma State Courts (data obtained by Open Justice Oklahoma)	372K	100K
Pennsylvania	Actual	Pennsylvania State Police/PA Courts	1,120K	1,200K
Total	Combined	Combined	2,496K	3,106K

People to Receive Full or Partial Record Clearance

■ CSI Estimate: Full or Partial Record Clearance
■ State Data: Full or Partial Record Clearance

FIGURE 16: COMPARISON OF CSI ESTIMATES WITH OTHER RESEARCH ESTIMATES AND DATA SOURCES ON FULL OR PARTIAL RECORD CLEARANCE IN DE, CT, UT, OK, MI, AND PA.

DATA LIMITATIONS AND AREAS FOR FURTHER RESEARCH

Our methodology establishes initial state-level estimates of the total population with a record by type of record disaggregated by race/ethnicity and sex. Further research should be conducted to continue improving upon these estimates, especially regarding misdemeanors and non-convictions. Both the Brennan Center's (2020) analysis and our estimates suggest nearly 50 million Americans have misdemeanor convictions nationwide, but these estimates are constrained by the limited availability of state-level data. For example, data on misdemeanor conviction rates was not available from 24 states and misdemeanor recidivism data was not available from 49 states. And while we classified certain offense types as likely misdemeanors based on prior research, more research should be done to examine differences in how these offenses are classified, charged and convicted within each state. For example, we did not incorporate arrests for drug possession or larceny/theft into the calculation of misdemeanor convictions even though some states classify possession of certain drugs or theft of property under certain dollar thresholds to be misdemeanor offenses. Moreover, the UCR arrest database excludes arrests for traffic offenses (other than DUI), meaning arrests for misdemeanor traffic

offenses are not incorporated into our estimates. The UCR also utilizes the hierarchy rule, wherein only the most serious offense is counted in incidents involving multiple arrests. Finally, depending on the state, routine traffic tickets can be classified as either misdemeanors or infractions - which could add substantially to the estimated number of people with misdemeanors.

Further research should seek to determine the distribution of misdemeanor convictions per person in all 50 states + DC, the proportion of arrests for each offense type that were charged and convicted as misdemeanors, long-term misdemeanor recidivism rates, the number of traffic-related misdemeanor convictions by state, and the proportion of people with both felony and misdemeanor convictions on their record by race/ethnicity and sex.

As our model presents a conservative estimate of misdemeanor records, it is also conservative with regard to felony convictions. Our estimates of felony convictions exclude people who have been released from local jails convicted of felonies but not sentenced to prison or felony probation. Future research should refine the estimates of felony convictions to account for cases where such convictions are not counted in existing national and state databases.

It is important to note that there are some aspects of Clean Slate policies that we cannot model, such as requirements that individuals pay fines, fees, and/or restitution to be eligible for relief. This is due to a lack of consistent and available data, and is another area that future research should seek to address.

Finally, we use our model to determine the impacts of Clean Slate legislation on racial disparities in record clearance. Due to a lack of consistent classifications of those with conviction and non-conviction records by race and ethnicity within states among available data sources, future research should also focus on improving the availability and consistency of race and ethnicity, particularly for Latino and Native American populations, data in order to refine our understanding of the implications of Clean Slate policies.