



Policy Proposal: Provide Individual Access to Personal Criminal Records

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Policy Challenge: Americans Cannot Access their Criminal Records to Begin Expungement or Sealing Processes

Across the nation, states are embracing criminal record expungement and record sealing. However, these reforms do not recognize a significant barrier to successfully beginning an expungement petition: having free access to one's own criminal record. Across states, these costs currently range among \$20-40 dollars per request, leaving many Americans unaware of what appears on their record. This is especially important as criminal records are increasingly used for background check screenings across many domains, including housing, employment, and volunteering.

Policy Solution: Provide Annual No-Cost Access to Criminal Records

Taking the approach of the Fair Credit Reporting Act, state-level criminal histories and nationwide FBI criminal history reports should be accessible to individuals at *no cost* one time per year. Like credit reports and medical histories, criminal records significantly impact life circumstances. Further, studies of criminal records find high levels of inaccuracies, which are then multiplied across third party background checks and the internet. Without access to their official criminal record, individuals cannot correct incorrect or incomplete information on their record. Providing annual access to one's personal record will eliminate barriers to post-dismissal and/or post-conviction relief and streamline the administration of these remedies.

State and federal law enforcement agencies would lose the revenue gained by charging people a fee to access their own record; however, this revenue might be offset by reallocating an expected uptick in court filing fee revenue as more individuals seek criminal record sealing or expungement remedies. Further, state attorney generals would have much more precise estimates of if and how their state residents' criminal histories are incorrectly reported across third party background checks, opening the door to better Fair Credit Reporting Act litigation that protects consumers and subjects of background checks. By giving people the opportunity to review their own record, the state also benefits from crowdsourcing patterns of data error and problematic dissemination of personal information.

Further, this policy benefits the broader public by advancing governmental transparency while protecting personal privacy. By providing access to only the subject of a criminal history report, individuals can ensure their government is appropriately and adequately maintaining records through a regulated and private means.