

# MICHIGAN'S AUTOMATIC EXPUNGEMENT PROGRAM ASSESSMENT:

INSIGHTS FROM DETROIT'S PROJECT CLEAN SLATE



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# Introduction

Criminal convictions have lasting consequences beyond the completion of the formal sentence. These convictions can remain on a person's record, creating legal and practical barriers to re-entry, such as difficulties in securing employment, housing, education, and other public benefits<sup>i</sup> – many of which require a clean criminal background check. These collateral consequences have a particularly outsized impact on communities of color, reinforcing socio-economic disparities and limiting upward mobility.<sup>ii</sup>

Criminal record sealing, also known as expungement, provides individuals the opportunity to remove eligible convictions from public records, offering them a second chance, or a 'clean slate', after a past offense. Removing these convictions from public record can help individuals move past their records and remove barriers to opportunity and economic advancement by reducing the stigma associated with having a criminal record<sup>iii</sup> and expanding access to jobs, education and stable housing.<sup>iv</sup> A study conducted by the University of Michigan in 2019<sup>1</sup> found that individuals from Michigan who had their records sealed experienced a 13% higher chance of employment and a 23% wage increase within one year of expungement, compared to when they still had a public record.<sup>v</sup> This study also highlights that expungement recipients show a low likelihood of recidivism,<sup>vi</sup> a tendency sensitive to both financial stability and mental health.<sup>vii</sup> The broader economic benefits of expungements on the state and local economies are equally significant. By improving economic mobility, these laws contribute to a more engaged and productive workforce.<sup>viii</sup>

Michigan has had petition-based expungement laws since the 1960s.<sup>ix</sup> The state law grants expungements by "setting aside" eligible convictions, making them inaccessible to the general public while keeping a non-public record for law enforcement.<sup>x</sup> In 2020, there was a significant expansion of expungements under the Clean Slate laws. Notably, the 2020 reforms introduced the automatic expungement legislation, which took effect in April 2023.<sup>xi</sup> This particular reform represents a major shift in the state's approach to record-sealing. Though the petition process continues to be an effective option for many individuals, the implementation of the automatic system removes many barriers associated with filing formal expungement petitions.

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<sup>1</sup> Referred to as the "2019 University of Michigan study."

	Petition-based expungement	Automatic expungement
<b>Process</b>	Requires an individual to make a formal request to the court and follow a legal process.	Records are expunged automatically by the state without the need for a formal, legal request by the individual.
<b>Types of convictions eligible</b>	Covers a broad range of offenses under felonies and misdemeanors, but with restrictions, and supports the "One Bad Night" rule that allows for multiple offenses to be treated as one for expungement purposes, if certain criteria are met.	Limited to low level and non-assaultive felonies and misdemeanors as defined by the law.
<b>Waiting period</b>	Felonies and misdemeanors have waiting periods of 3, 5 or 7 years before they can be expunged.	Felonies and misdemeanors have longer waiting periods, 10 years and 7 years, respectively, before they can be expunged.

The automatic process has resulted in a remarkable number of expungements across the state. Its initial rollout has not only provided the opportunity to understand the program's operational competencies but also learn where there exists room for improvement in the system, so that the program can achieve its intended impact and increase economic opportunity for all individuals.

This report evaluates Michigan's automatic expungement program utilizing learnings from Detroit's Project Clean Slate's (PCS) experience as a key intermediary in the state.

Through a review of PCS' program materials, similar evaluations, and interviews with key staff and stakeholders, this assessment reports trends and draws conclusions on the state program's strengths and external challenges that affect its success. The assessment also provides actionable recommendations to improve the effectiveness of the state program so that individuals with expungement-eligible records, who are currently falling through the cracks, can benefit from the state's Clean Slate laws.

# Michigan's Automatic Expungement Program

Based on Pennsylvania's automatic expungement model, Michigan's automatic expungement program allows for the automatic sealing of lower-level, non-assaultive convictions, for both felonies and misdemeanors.<sup>xii</sup>

The automatic expungement process utilizes an algorithm called the "Rules Engine," which scans the Michigan State Police (MSP) database of criminal records daily and expunges convictions that meet certain eligibility criteria based on the type of offense, time elapsed since the convictions, and the statutory maximum penalty for automatic expungements. For expunging felonies, the Rules Engine also cross references each conviction with the Michigan Department of Correction's (MDOC) internal database to determine whether the waiting period has been met after the sentence is imposed or completed, whichever is later. MSP sends a daily report to the convicting courts, advising of the automatic set aside. Courts may reinstate a conviction if it is determined to be incorrectly set aside.

Though the expungement process itself is automated, individuals are not automatically notified once their records have been expunged. Instead, they can confirm whether their records were expunged (excluding "less than 93-day" misdemeanors) by searching the state's Internet Criminal History Access Tool (ICHAT) for a \$10 fee, or by requesting certified records from MSP via mail by submitting fingerprints and a \$30 fingerprint processing fee.

However, many individuals do not even know that this tool exists, and often, even what an expungement is and if they meet the eligibility criteria for it. Such individuals face difficulties in verifying whether their records have been sealed, or identifying whether there are issues preventing the Rules Engine from automatically expunging their otherwise eligible records.

There are several actors in the state who offer petition-based expungement services, like Project Clean Slate in Detroit, Safe and Just MI, Michigan Advocacy Program/Legal Services of South Central Michigan, and Oakland County's Clean Slate Program. Such organizations also assist automatic expungement-eligible individuals in troubleshooting issues, but their role in the automatic expungement process is largely shaped by how the Rules Engine operates, as well as the other legal and procedural challenges and constraints within the broader automatic expungement framework. **Their efforts in remediation, while effective, are somewhat siloed and in need of a more centralized reform that is initiated at the state level and supported by state agencies.**

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## Project Clean Slate, City of Detroit

Launched in 2016 by Mayor Mike Duggan, Project Clean Slate (PCS) is a free, city-run expungement program dedicated to helping eligible Detroit residents set aside their criminal records and gain a second chance at participating in the city's economy. Through legal support and advocacy, PCS assists residents in determining their eligibility for expungement (both petition and automatic), and provides dedicated attorney support throughout the process.<sup>xiii</sup>

Serving the largest population center in Michigan, PCS has facilitated the expungement of more than 15,000 convictions<sup>xiv</sup> since its inception. Though PCS has traditionally focused on the petition-based process, its role expanded in 2023 after the state's implementation of automatic expungement to support Detroiters navigating the process. PCS has also developed strong relationships with state agencies involved in the automatic expungement process and interacts directly with MSP and the local courts to ensure that eligible Detroiters benefit from the Clean Slate legislation.

This assessment of Michigan's automatic expungement process uses one year of PCS' de-identified program data that was collected for their automatic expungement services from January 2024 through December 2024. This data, made available by PCS, is limited to individuals from Detroit who approached PCS for their expungement services and qualified for automatic expungement. It does not include data on all the individuals in Detroit who are eligible for automatic expungement and are facing issues with having convictions automatically expunged.

# Findings

## Strengths of the program

Michigan's automatic expungement program demonstrates several strengths.

**Increased access to expungements for eligible convictions:** The implementation of the automatic expungement program in 2023 allowed eligible convictions to be set aside without requiring any action from the individuals and created the opportunity for more people to benefit from Michigan's Clean Slate laws, especially for those who would not have proactively sought it. As of March 2025, two years into implementation, nearly 1.5 million convictions in the state have been automatically expunged, including 1,345,171 misdemeanors and 153,034 felonies. These expungements have impacted 953,346 Michiganders who had at least one conviction expunged, with 292,910 individuals obtaining a completely clean slate.<sup>xv</sup>

The automatic expungement process offers simplified criminal record relief, in contrast to the petition-based process which is voluntary, can be lengthy, and often requires legal representation. The 2019 University of Michigan study finds that the uptake rate for petition-based expungement has been very low - only 6.5% of eligible individuals obtain it within five years of becoming eligible.<sup>xvi</sup> The automatic expungement process overcomes this uptake challenge, providing expanded access.

**Reduces the procedural burden associated with filing petitions:** The automatic process has significantly reduced the processing time, cost, and procedural burden associated with setting aside a criminal record.

The petition-based process can be resource- and time-intensive for both individuals and legal entities. Individuals seeking petition-based expungements must navigate complex legal procedures, file petitions and sometimes attend court hearings, all of which may require legal representation. A 2024 survey conducted by the University of Michigan<sup>2</sup> of 1,439 petition-based expungement applicants and recipients from Detroit reinforces this—63% of the 1,439 respondents applied for expungement only because they received help from PCS or other sources.<sup>xvii</sup> The automatic expungement process has reduced such hurdles substantially, streamlining criminal record relief.

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<sup>2</sup> Referred to as the "2024 University of Michigan survey."



# Challenges

Michigan Clean Slate’s automatic expungement legislation and expanded scope represent a significant step forward in increasing access to record-sealing. Now two years into implementation, there are opportunities to assess areas of improvement that can help move the program closer to achieving its goal and fully benefiting those who are eligible. The findings below are informed by PCS data from Detroit. Given the large number of cases from Detroit, these findings provide valuable insight into broader statewide trends and challenges in the automatic expungement process.

The challenges with the program can be grouped into two categories, ranging from technical limitations of MSP’s Rules Engine and data integration, to legal and administrative constraints and notification issues.

Data-related	Process-related
<ul style="list-style-type: none"><li>■ Missing data</li><li>■ Data integration</li></ul>	<ul style="list-style-type: none"><li>■ Legal and administrative</li><li>■ Limited capacities</li><li>■ Communication</li></ul>

## Data-related challenges

**Missing data impact the effectiveness of Michigan State Police’s Rules Engine process:** Michigan State Police’s automatic expungement process relies on an algorithm that assesses convictions based on Michigan Compiled Laws (MCL) code or the Prosecuting Attorneys Coordinating Council (PACC) code, which is attached to each conviction. However, if a conviction in the database is missing this required coding, it is excluded from automatic expungement, even if it is otherwise eligible. In the case of multiple eligible convictions, a missing code on a newer conviction, known as an intervening conviction, also prevents older convictions from being expunged by the Rules Engine. Both these problems go unnoticed in the automated process unless an intermediary steps in to resolve it by interfacing with state agencies. The state’s database suggests that 234,515 convictions statewide are missing MCL/PACC codes on ICHAT,<sup>xviii</sup> as of January 2025. Wayne County is especially impacted by the missing codes, accounting for 40% (84,296) of all missing MCL/PACC-coded convictions in Michigan.<sup>xix</sup>

- In Detroit, Project Clean Slate successfully supported and closed 1,364 automatic expungement eligible conviction cases in 2024.<sup>3</sup> Of these, 16% (224 convictions) required intervention and interfacing with MSP and the courts over missing MCL/PACC codes, despite meeting all eligibility requirements. This impacted the records of 187 individuals.<sup>xx</sup>
- Moreover, 32 individuals whose records had missing MCL/PACC codes, also had more than one conviction.<sup>xxi</sup> The sealing of their older convictions can potentially be impacted by missing codes on their newer convictions.

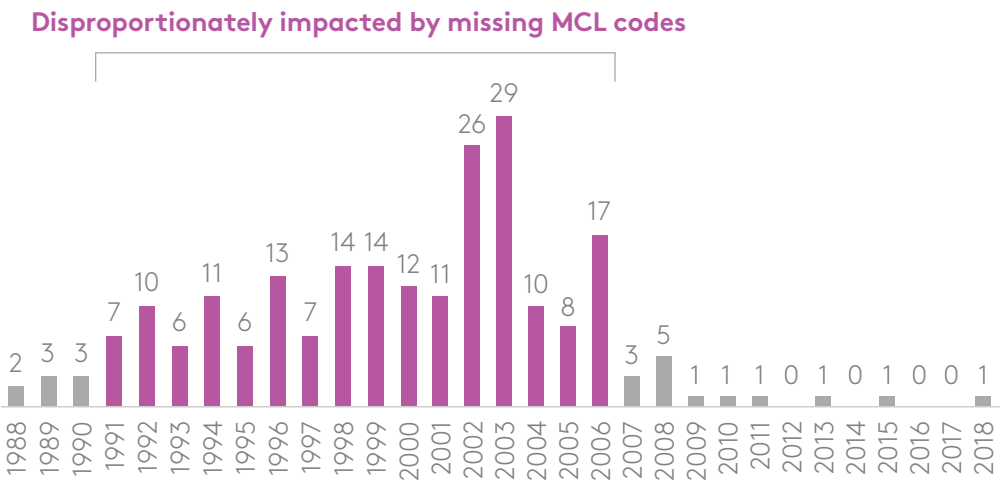
<sup>3</sup> Based on data as of 24<sup>th</sup> January, 2025.

An open case, or a "hanging charge," is one where a charge has been made but there is no final disposition made by the prosecutor. Such a case appears as "pending," and this precludes the conviction from being automatically expunged. Additionally, a hanging charge on an intervening conviction blocks the Rules Engine from sealing other eligible convictions.

**Data integration challenges across state agencies:** The data systems used by the state agencies involved in the expungement process, such as the state courts, MSP and MDOC, were never designed to operate as a unified case management system that seamlessly links and synchronizes data. However, under the automatic expungement process, all these different agencies work together and coordinate with one another. Because their data systems were developed independently for each agency’s unique needs, and don’t fully align, it can result in data inconsistencies that often prevent automatic expungement from occurring, even for eligible convictions. Moreover, because these systems aren’t integrated, data verification, updating and error resolution require manual intervention, which slows down the process. To automatically expunge felony convictions, the Rules Engine needs to verify the completion of the 10-year waiting period of each conviction with the MDOC database. However, since these systems do not communicate seamlessly, MSP and MDOC staff manually intervene to process this "problem queue." MSP estimates that in two years since the rollout, this problem queue still has approximately 64,000 felonies awaiting processing. Another contributing factor to data integration is that over the years, case types, case numbers and legal codes have changed or expanded, making it difficult to match older convictions that use older codes with the newer MSP expungement criteria.

- PCS’ data show that **older convictions, from the 1990s to mid-2000s**, are disproportionately impacted by missing MCL codes, further complicating automatic expungement efforts.

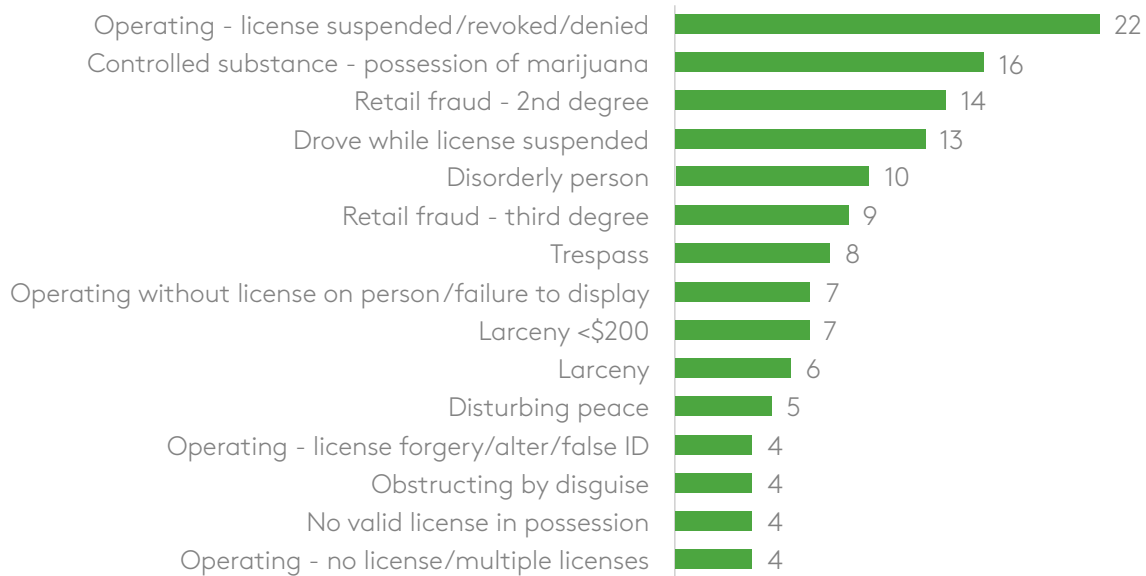
Convictions with missing MCL codes by conviction year, for cases closed by PCS in 2024



Source: Detroit Future City analysis of Project Clean Slate program data

- The 15 most common conviction types account for **59% of all missing MCL codes** (133 out of 224 convictions) in PCS' dataset. Nearly 41% of these top 15 convictions (54 out of 133 convictions) are related to motor vehicle licensing or operation.

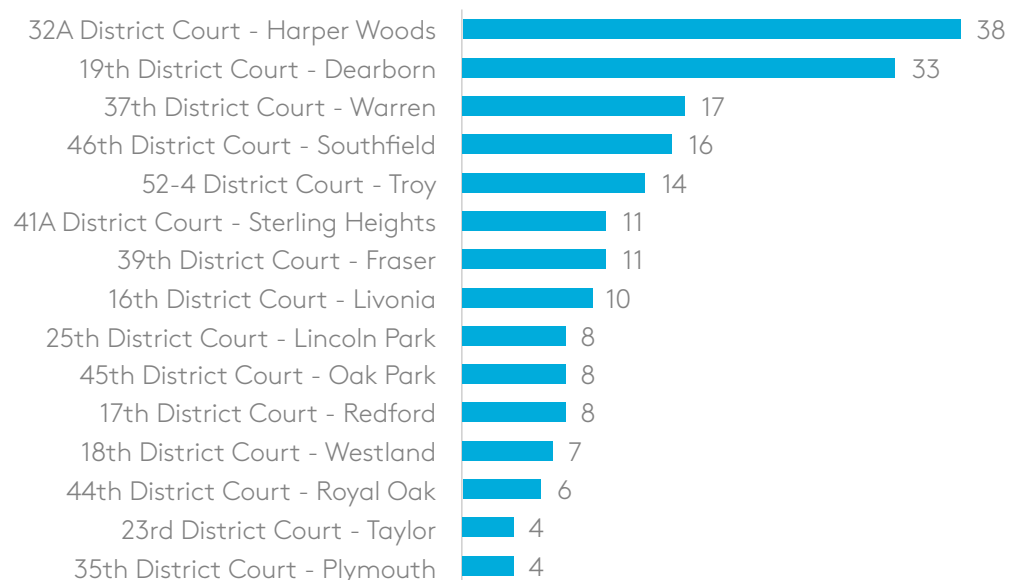
**The 15 most common convictions with the highest number of missing MCL codes, for cases closed by PCS in 2024**



Source: Detroit Future City analysis of Project Clean Slate program data

- PCS data also show that **87% of missing MCL-coded convictions** for which they provided support (195 out of 224 convictions), originate from just 15 courts. This highlights the opportunity for targeted data rectification efforts to begin with specific jurisdictions. It is important to note here that PCS primarily deals with convictions originating from courts in the Detroit Tri-County Area.

**The top 15 courts with the highest number of convictions with missing MCL codes, for cases closed by PCS in 2024**



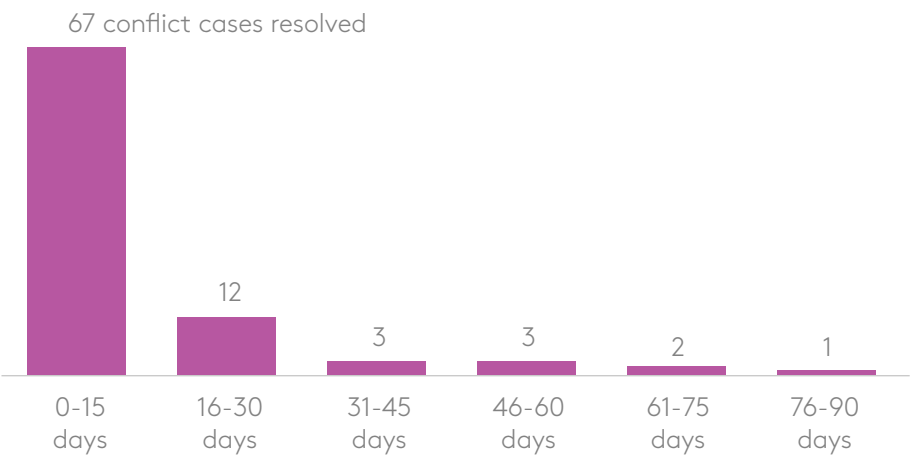
Source: Detroit Future City analysis of Project Clean Slate program data

Process-related challenges

**Legal and administrative barriers to managing case information:** Local organizations who engage with residents to troubleshoot expungement issues often face barriers in accessing essential information on their client’s cases. To resolve data issues, or navigate conflicts between MSP and courts, expungement service providers need access to a court’s records, or Register of Actions, which provides the case history on the individual. If the Register of Actions is inaccessible, or not online, expungement service providers rely on state agency and court personnel for updates and conflict resolution. Such legal and administrative barriers lead to longer wait times, and increased processing burdens for all agencies involved.

- PCS has been tracking cases where MSP and the courts have a data or MCL code mismatch that was preventing automatic expungement from occurring. PCS resolved 88 such conflicts in 2024.<sup>4</sup> Though most convictions that needed a conflict resolution between MSP and the courts were resolved **within 15 days**, there were several that took much longer.

Duration (in days) between application sent to MSP and date resolved, for conflict cases resolved by PCS in 2024



Source: Detroit Future City analysis of Project Clean Slate program data

These 88 conflict cases originate from various courts from across the state. With the number of convictions eligible for expungement being very high, conflicts with the MSP database will potentially exclude a greater number of eligible convictions from automatic sealing.

Beyond just these conflict cases, PCS is encountering an increasingly high volume of cases where the court records continue to show a conviction or details of a conviction that has already been set aside by MSP. For each such instance, PCS has to coordinate with MSP and the courts, adding a manual step within the automatic expungement process. Though the full scale of this issue remains unknown, the presence of expunged case details on a person's public record raises privacy concerns and undermines the very purpose of expungements. Although PCS has some capacity to actively look into such cases, there are other individuals or expungement service providers in the state who do not have the resources to effectively examine this issue.

<sup>4</sup> Based on data as of 24<sup>th</sup> January, 2025.

**Limited capacities across organizations:** Compounding the above challenge is that state agencies involved in the automatic expungement process, the Michigan State Police, in particular, as well as the courts, and the Michigan Department of Corrections, deal with a large volume of cases from all over Michigan. Insufficient capacities can lead to delays in resolving data issues, addressing backlogs, updating records, and even processing appeals for incorrect convictions. Interviews with stakeholders emphasized staffing and resource challenges that limit their ability to effectively streamline coordination, swiftly process cases, and even respond to inquiries regarding automatic expungement.

**Limited knowledge of, and communication on, expunged and inconsistent records:**

When a conviction is automatically expunged, the convicting court receives a notification. However, the Rules Engine does not automatically update individuals when their records have been set aside or notify concerned state agencies if certain convictions are being flagged for potential issues. This is due to the automatic process's legal framework, the state's challenges with a universal identity verification tool and up-to-date contact information on residents, and subsequent privacy concerns. This means that individuals who stand to benefit significantly from expungement are made aware of their status only when they learn of the expungement process and look up their record on ICHAT, request a certified record from MSP, or voluntarily reach out to legal representatives. This leaves many others unaware that their records were automatically expunged. Findings from the 2024 University of Michigan survey show that a higher share of respondents learned about the state's expungement program and of their eligibility through the City of Detroit, word of mouth, traditional media, or through the Detroit at Work employment assistance program.<sup>xxii</sup> This reveals the importance of direct, accessible communication and information-sharing around the expungement process.

The work of local organizations like PCS that work to reduce barriers related to expungement is also constrained by the nature of how the Rules Engine works. These organizations are able to collect data and remedy issues only for individuals who directly seek assistance, meaning they have limited visibility into the full scope of residents affected by automatic expungement issues in the regions they service.

- ❑ PCS, being a city-run program, is able to leverage the City of Detroit's social media, email blasts and other services and programs to effectively reach and spread awareness among a broader audience. However, many municipalities may be less serviced by expungement service providers and may not have the same resources available to reach their intended audience.

Without complete insight into the expungement-eligible population, expungement service providers face barriers in conducting targeted outreach.

# Recommendations

Across the state, the collective efforts of numerous organizations aim to ensure that the impact of the state's Clean Slate laws continues to grow, reaching more individuals and reducing the long-term consequences of criminal records.

Recent research from Michigan has highlighted a range of legislative, technological and programmatic recommendations designed to enhance the efficiency, equity and scalability of Michigan's automatic expungement program.<sup>xxiii</sup> These recommendations include:

- Statutory changes to the intervening conviction clauses and three-felony rule,
- Overcoming barriers related to the Rules Engine,
- Developing effective strategies for public communication and outreach,
- Urgent rollout of the State Court Administrative Office's statewide case management system,
- Strengthening data-sharing mechanisms with background-check organizations,
- Increasing ICHAT capacities for local nonprofits that work with the community.

Building upon the above foundation, this section outlines additional recommendations that can improve the broader system and actionable steps that state and local organizations can take to further strengthen their role as intermediaries, advocate for affected residents and facilitate meaningful change in the state. These recommendations are designed to build upon the ecosystem's existing strengths and successes, leveraging their unique positions and roles within their respective regions to improve data integration, bridge gaps in service, expand public awareness, and drive systemic improvements that make automatic expungement and rehabilitation more accessible and effective for all eligible individuals.

**Enhance data accuracy and integration across state agencies:** To effectively evaluate how the state's automatic expungement program is working for the target population and to ensure its long-term success, there is a critical need to first address inaccuracies and gaps in the state's criminal history records. These discrepancies, such as missing or incorrect information on the convicting court, MCL/PACC codes, waiting periods, case number and dispositions, must be corrected to ensure that the system functions as intended. Achieving this will require close collaboration between the Michigan State Police, the courts, and the Michigan Department of Corrections. Resolving these data inconsistencies is crucial to ensuring that the Rules Engine does not overlook eligible convictions, and that fewer manual interventions by expungement service providers are needed over time. However, improving existing records alone will not prevent future inconsistencies that may arise. A more integrated approach, such as unifying case management systems across state agencies and courts, can help automatically flag errors and maintain data integrity over time. By investing in a well-engineered state database and ensuring consistency across agencies, the state can create a more robust system that can better adapt to legal and procedural changes in legislation over time.

**Expand capacities across all agencies involved in the automatic expungement process:**

Beyond enhancing existing data systems, strengthening the capacity of all agencies involved in the automatic expungement process can significantly expedite procedures that require manual intervention and reduce delays in coordination between agencies. Increasing staffing and resources at courts and state agencies can help clear backlogs related to data verification and error resolution more efficiently. Additionally, expungement service providers could also benefit from increased staffing, enabling them to better assist residents in navigating the process. Moreover, consistent funding is crucial for strengthening capacity and maintaining long-term efforts. Expanding budgets for technology and personnel can help agencies process expungements more efficiently and improve service delivery.

**Integrate a statewide notification system within the automatic program:** To ensure that affected individuals are fully benefiting from a clean slate and not overlooking opportunities that lead to economic mobility for fear of the record being visible, there is a critical need for direct communication from the state on expungements. Building this notification system would require the state to institute notification guidelines into the automatic expungement legislation, adopt a universal identity verification tool and manage up-to-date contact information on individuals, along with addressing concerns around privacy. Implementing a statewide text, email or postal notification system within the broader automatic expungement framework can inform of, and significantly reduce confusion about, expungements and the need for legal assistance. A direct notification system would ensure that individuals receive clear, timely confirmation on their expungements, helping them pursue opportunities sooner. A direct notification process could also address key barriers associated with the state's existing ICHAT tool that assumes a certain level of digital literacy, internet access, and familiarity with legal processes. A more inclusive, transparent notification system could provide multilingual support, offer alternative formats for notice, reduce burden on expungement service providers, and even increase trust in the state's legal processes.

**Establish a multi-stakeholder working group to address challenges in the broader process:**

To drive meaningful and sustained improvements in the state's automatic expungement program and increase coordination between agencies, a multi-stakeholder working group should be created. This group should bring together representatives from a range of stakeholders to ensure a multi-perspective approach to refining the automatic expungement process. This could include both legal and law enforcement agencies, especially the courts, MSP and MDOC, as well as community, advocacy, and policy organizations. The group could actively work towards understanding the full scale of process-related issues in the state and can tackle the most pressing ones that would potentially have the largest impact. The group can address challenges and adopt recommendations outlined in other recent research as well - advocate for legislative and policy reforms at the state level, improve the Rules Engine to reduce overlaps between the automatic and the petition process, and strengthen data-sharing mechanisms between different state and external background check agencies. The group can also work together to integrate the statewide notification system within the program to ensure that individuals receive communication on expunged convictions. By facilitating conversations at all levels, the committee can improve information flow and streamline administrative processes that currently slow down or complicate automatic expungement. Broadly, it can serve as a strategic think tank, providing guidance on best practices, future programmatic improvements, targeted outreach, and systemic reforms.

**Design targeted outreach strategies for awareness-building and expanding access to expungement services:** Expungement fairs have proven to be a valuable tool to engage with residents. However, these events primarily attract a self-selecting group – those who are already aware of expungement opportunities and motivated to seek assistance. Until a notification system is set up, to ensure broader and more equitable access, there is a critical need to design proactive and targeted initiatives to reach eligible residents who may be unaware of automatic expungement or uncertain about their status in the process. Counties and municipalities must be supported by the state in setting up self-service options or legal assistance programs in regions with insufficient service. At the local level, expungement service providers can work towards increasing their presence in the community, at city council or district meetings, and can extend their reach by forging partnerships with trusted local community groups that already serve vulnerable populations. These could include groups that provide educational, employment, and housing support services like Detroit at Work and MichiganWorks! Even collaborating with agencies and public service programs that perform their own background checks can identify and notify individuals who may still be facing barriers because of their records. Additionally, expanding outreach to defense attorneys, public defenders, probation officers and social service agencies can help local organizations connect with individuals who may not be proactively seeking expungement services or rectifying issues, but who stand to benefit significantly. Strengthening these connections will ensure that more individuals, especially those at risk of missed opportunities due to past convictions or the limitations of the Rules Engine, are informed, supported, and empowered to take advantage of the state’s automatic expungement program. Simultaneously, it is also imperative that expungement service providers increase their own capacities to be able to effectively support the influx of cases that these awareness campaigns would generate.



# Conclusion

Michigan's automatic expungement reforms have made significant strides in overcoming some of the limitations of the traditional petition-based process. The evaluation highlights the successes of the state's automatic expungement program in scaling record-sealing, and reducing the procedural burden faced by individuals and legal entities in setting aside convictions.

However, data- and process-related challenges—such as data inconsistencies, legal and administrative barriers, and the lack of direct communication—are not limited to Detroit, but prevalent throughout the state. They continue to hinder the full impact that automatic expungement can have on the economic outcomes of the state's residents. In particular, the 234,515 convictions in the state database that have a missing MCL/PACC code affect opportunities for a significant number of individuals who might be eligible for automatic expungement, and hence resolving such issues is exceedingly important in unlocking access to employment and housing opportunities, and in boosting the state and local economy.

Improving the broader system requires action at multiple levels – state policy changes, better legal and law enforcement coordination, additional funding for capacity building and communications, and stronger support from local expungement service organizations. By addressing these gaps through continued efforts, the state can maximize the program's impact and remain a strong advocate for justice and economic mobility for those seeking a second chance.

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