



2021 AUTOMATED EXPUNCTIONS REPORT

S.L. 2020-35, SEC. 3.(C)

PREPARED BY
NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS
OCTOBER 1, 2021



About the North Carolina Judicial Branch

The mission of the North Carolina Judicial Branch is to protect and preserve the rights and liberties of all the people as guaranteed by the Constitutions and laws of the United States and North Carolina by providing a fair, independent and accessible forum for the just, timely and economical resolution of their legal affairs.

About the North Carolina Administrative Office of the Courts

The mission of the North Carolina Administrative Office of the Courts is to provide services to help North Carolina's unified court system operate more efficiently and effectively, taking into account each courthouse's diverse needs, caseloads, and available resources.

INTRODUCTION

Section 3.(c) of S.L.-2020-35 provides as follows:

S.L. 2020-35, Sec. 3.(c)

By October 1, 2021, the Department of Public Safety, in conjunction with the Department of Justice and the Administrative Office of the Courts, shall jointly develop and submit a report to the Joint Legislative Oversight Committee on Justice and Public Safety on recommendations and the costs involved to automate the expunction process for all State agencies with records subject to expunction orders and ensure the efficacy of the record expunction.

The North Carolina Administrative Office of the Courts (NCAOC) respectfully submits this report pursuant to the legislative mandate.

ANALYSIS

NORTH CAROLINA ADMINISTRATIVE OFFICE OF THE COURTS

Automated Expunction Process of Electronic Records

Processing expunctions is a multi-step coordinated effort between local courts, local law enforcement, and state agencies. In particular, staff of local clerks of superior court offices, the NCAOC, and the SBI play a pivotal role from start to finish. After a paper petition for an expunction is filed by a defendant or their attorney or a district attorney, it makes its way through a multi-step process, concluding with an order either granting or denying the expunction petition. If an expunction order is granted by a judge, the resulting document is used as the record to guide the expungement of court, law enforcement, and state agency records. Once an order for expunction has been granted by a judge, clerks manually destroy corresponding case information in paper files and delete the case index in the Automated Criminal/Infractions System (ACIS). Clerks also send hard copies of expunction orders to other agencies so that those agencies are on notice to destroy their records as well. In the last three fiscal years, nearly 50,000 expunction orders have been processed in the state following a similar workflow.

Like most court actions, the expunction processes currently rely on the use of paper forms and “in-person” filing and interaction with the local clerks of superior court offices. However, North Carolina’s courts are working to transition to a paper-on-demand system by implementing transformative new case initiation and management tools from Tyler Technologies. By early-2021, Brazos, an electronic citation filing system, was implemented statewide. Soon, eWarrants will follow Brazos and be implemented statewide to process cases initiated by arrest. This “big bang” approach for statewide implementation of Brazos and eWarrants will be followed by a phased multi-year county rollout of Odyssey, an integrated case management system. The NCAOC has chosen to “go live” for all case types in Odyssey within a county on the implementation date established in the multi-year rollout plan. The court personnel of Wake, Harnett, Johnston, and Lee Counties will be the first local courts to transition from legacy systems and paper records to Odyssey.

NCAOC Expunctions will simultaneously launch in Odyssey, transitioning from the legacy expunction database to the expunction area of Odyssey referred to as the NCAOC Expunction Node. While NCAOC Expunctions will go live at the same time as the pilot Odyssey counties listed above, the NCAOC Expunction Node will instead take a “big bang” approach to securely house ordered expunctions for all



100 counties from its first day in operation. On the implementation date of the first four pilot counties, the historical expunction data for all 100 counties will be converted to the NCAOC Expunction Node. The remaining 96 counties that have not yet transitioned to Odyssey will continue to process expunctions (excluding those mandated by G.S. 15A-146(a4)) as they always have, ending with paper destruction and ACIS removal. Using a certified copy of the signed paper expunction order, the NCAOC Expunctions Unit will ensure appropriate information is recorded in the NCAOC Expunction Node for all new expunctions. The clerks of superior court in the offices of the four pilot counties that first transition to Odyssey will destroy any paper that might exist and will reassign the expunged case from their case management node in Odyssey to the NCAOC Expunction Node instead of deleting the electronic criminal case in ACIS. This action removes clerk access to the case while simultaneously providing statutory required notification of the expunged case to NCAOC and allows the NCAOC Expunctions Unit to perform the thousands of expunction verifications for defendants that are requested annually.

While the introduction of Odyssey brings a slight change to the courts expunction process, it will also play a crucial part in NCAOC's ability to fulfill the mandate to automate expunctions pursuant to G.S. 15A-146(a4). Effective December 1, 2021, any qualifying case that meets criteria outlined in the statute will be expunged in ACIS without a manual clerk delete, paper petition, or signed order. Cases qualifying for expunctions pursuant to this legislative change and subsequently automatically expunged from ACIS will be transmitted through an automated integration to the NCAOC Expunction Node in Odyssey. The NCAOC has also engaged Tyler Technologies to perform custom development on Odyssey to allow this automation to occur. This development will allow NCAOC to: 1) schedule a "job" to expunge cases disposed in Odyssey which meet the criteria outlined in G.S. 15A-146(a4), 2) add security groups, case events, a case flag, and statuses, 3) reassign cases to the Expunction Node, and 4) generate a .csv file of the cases updated as part of the automated process. As outlined above, the NCAOC Expunction Node allows the NCAOC to fulfill legislative mandates for expunction verifications, but clerks will no longer have case access once the case has been transferred to the NCAOC Expunction Node.

Anticipated Costs

Implementing the automation required by G.S. 15A-146(a4) does involve costs associated with the time of internal staff resources to program and configure the automation process, as well as additional costs that will be paid to Tyler Technologies for the development of Odyssey as necessary. The costs in vendor payments to customize Odyssey to automate G.S. 15A-146(a4) expunctions and to build the integration between ACIS/CCIS-CC and the NCAOC Expunction Node – both of which are required to have the information in Odyssey needed to provide the data to state agencies – are \$345,000. That amount does not include the staff time of existing NCAOC employees to work with Tyler Technologies on the customizations and integrations, nor does it include the costs of any future changes to the integration between Odyssey and other state agencies.

NORTH CAROLINA DEPARTMENT OF JUSTICE

While DOJ has participated in the discussions with AOC and the SBI, DOJ does not currently have a role in processing expungements under the provisions of N.C.G.S. Chapter 15A.



NORTH CAROLINA STATE BUREAU OF INVESTIGATION

The SBI, in consultation with AOC, has engaged DIT GDAC to assist with programming to match AOC expungement records to the SBI data systems in support of the SBI's automatic expungements process. SBI business rules will determine under what circumstances AOC case numbers associated with a single arrest are dismissed. DIT GDAC has completed their development in order to share data between AOC and SBI. The SBI has also completed programming the automated process internally and will implement as soon as testing of the system is complete. SBI, AOC and GDAC will continue to work to accomplish the legislative mandate.



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