

**Prospectus**

**Creation of Public Court Record Database**

(Technical Report)

**Evaluation of the Role of Online Public Court Records in Society**

(STS Research Paper)

A Thesis Prospectus Submitted to the

Faculty of the School of Engineering and Applied Science  
University of Virginia • Charlottesville, Virginia

In Partial Fulfillment of the Requirements for the Degree  
Bachelor of Science, School of Engineering

Matthew Bacon

Fall 2020

Department of Computer Science

On my honor as a University Student, I have neither given nor received  
unauthorized aid on this assignment as defined by the Honor Guidelines  
for Thesis-Related Assignments

Signed: Matthew Bacon  
Matthew Bacon

Date: 12/7/2020

Approved: \_\_\_\_\_  
Travis Elliott, Department of Engineering and Society

Date: \_\_\_\_\_

Approved: Jack W. Davidson  
Jack Davidson, Department of Computer Science

Date: 20-NOV-2020

## **Introduction**

Every day tens of thousands of terabytes are uploaded to the internet, most of which people are happy to share. What is shared ranges from Facebook birthday posts to an Instagram photo of food they ate at the latest trendy restaurant. However, not all information is shared willingly. The states and the federal government routinely publish court records exposing people's criminal records and other unflattering information. These court records serve a purpose of informing the public and increasing government transparency and accountability. However, this comes with the cost to people's personal privacy, and could cause them to wear a scarlet letter.

For my technical project I will be creating an easily navigated court record database. First, we will take cases from public court records online in Virginia and eventually other states, anonymize the defendants and plaintiffs in cases i.e. remove their names, and add the records to our own database at UVA. We will then create a public facing website that allows people to easily extract all data from specific dates, localities, or other relevant data from the database we created. The site will be mainly targeted for researchers at UVA, and more specifically help researchers easily uncover inequities in the criminal justice system.

As for my STS thesis, I will be looking into the benefits and drawbacks of these online court records that I am using in my technical project. I will study specific difficulties people with public criminal records have faced, as well as the societal benefits of these records such as safer neighborhoods, jobs, and increased governmental transparency and accountability. Even though court records have been available for over a century, the public court system was designed in a time when it was necessary to physically enter the courthouse in order to access the information - not in a world where we can get information through a few clicks in the comfort of our own

homes. This change has had profound consequences, and I will look at how these changes have affected various social groups.

### **Technical Project**

Currently there is no easily accessed database that contains all of the U.S. court records desired by researchers. Instead, what exists is a patchwork of separate court databases from across the country. For example, in Virginia each district and circuit court as well as the Supreme Court all have separate databases. In addition, the various databases were not set up to look at data in aggregate, but instead designed to find individual court cases. The problem is further exacerbated by each state having their own laws governing which records are made public in their own database systems. Due to this patchwork it is extremely difficult to get a national dataset for researchers to work with. Without this data it is hard to get a clear overall picture on how justice is administered in Virginia and throughout the entire country. For example, researchers at UVA's Law school want to study judicial outcomes / criminal sentencing to determine what inequities exist within Virginia's criminal justice system. For the reasons above, it was decided that there was a need for an easily accessed database where researchers could obtain all the court records they want at once.

In order to create the database, we will begin with web scraping. Web scraping is the general process of running a program to take information from a webpage. In this project we will be using web scraping to go to each court's public records and extract the court records one by one into a database that we create. One challenge of this approach is that not every system will be the same, so we will potentially have to modify the scraper for different court databases. Due to this difficulty we will initially focus our efforts on web scraping only Virginia court systems.

After web scraping, we will need to display the data for the general public and researchers to access. To do this, we will be building a website using the web framework Django. This website will provide a portal allowing the public to view the database we create using the web scraping. Users will be able to select which jurisdictions they want court records from and from which time periods. The user can then save a csv file containing all the data they selected. We will also make a public repository with the code for the website available, so that if anyone wants to contribute to the project in the future they can.

### **STS Thesis**

The primary goal of my STS thesis is to conduct a cost-benefit analysis of having court records, and thereby criminal records, publicly available online. At the moment, federal court cases are presumed available to the public unless the case is sealed or held public due to federal rule (Judicial, 2001). This ability to see court records has been ruled to be a right enshrined by common law by the Supreme court. The Supreme Court has stated that people had the right “to inspect and copy public records and documents, including judicial records and documents”. However, the court ruled that this right is not absolute and has limits and the courts can limit the disclosure of court files that “might have become a vehicle for improper purposes” (Nixon v. Warner Communications, Inc., 1978). Currently, anyone can access federal court records using Public Access to Public Court Records (PACER), an online database where people can access records for a small fee. This is a much more convenient way to access records than in the past. For example, in 1853 Congress set the price to copy a court record at 10 cents per page or 2 dollars in today's money. In addition, an individual would have to go to a court to request these records (United States, 2004). Each state also has their own online database or databases that provide a similar role to PACER.

These court records can contain various sensitive data, from arrest, convictions, and lawsuits even those settled out of court. For example, if an employee sued their employer for workplace discrimination the employee must fill out a civil complaint detailing the alleged discrimination. In response to the suit the employer would write refutes to the allegations, and possibly bring counterclaims against the employee. Then during the pre-trial discovery, both lawyers can request evidence from opposing and third parties. At this point the case might be settled out of court. Even if this settlement is reached and the lawsuit never went to court, the corresponding evidence found and complaints from the employer/employee would be in the court records online for anyone to view (Conley et. al, 2012). These records could contain potentially damaging material to both parties, and are not fully representative of the whole story. However, it could be argued that the records possibly serve the public good by warning about future work with either employer or employee depending on the evidence.

This relatively new ability to easily access court records online has led to regular criminal background checks to become more affordable and accessible to the public. Landlords, employers and others in positions of power often make decisions based on results from criminal background checks, making it difficult for those with criminal backgrounds to successfully find safe places to live or work(Lageson, 2016). However, public safety must also be considered. People with a criminal record are more likely to commit another crime than the general population (United States, 2013). Another benefit of greater access to court records is allowing people to hold the government accountable over criminal justice issues and other political issues. In many states, people elect local judges, and those voters should be able to assess how their elected officials perform their jobs. These issues will be further evaluated and examined in the STS thesis.

For the methodology of this study, I will primarily be using prior research to aid in the exploration. However, the study will focus on a few key areas. First, I will look at prior research that examines the difficulties that someone with a publicly available criminal record faces. I will then compare these difficulties to those whose criminal records are concealed to the public, such as juvenile offenders who have had their criminal records expunged. This will give a good comparison and remove many confounding variables by looking at similar populations with one of the few differences between the groups being the availability of their criminal records. Second, I will explore prior research comparing the frequency of criminal background checks in both the pre-internet age workforce and current industry. Thirdly, I will look at prior research detailing how easily accessed criminal records increase individual and public safety. Lastly, I will look at how public court records are used to hold governmental officials accountable by the electorate.

I will be using the Social Construct of Technology (SCOT) theory during the analysis of the STS thesis. SCOT is the theory that a variety of social factors shape technological advancement and development. The theory also has a few key features through a focus on relevant social groups, interpretive flexibility, closure and stability. Interpretive flexibility is the belief that various relevant social groups can have different views on the same technology. SCOT also stresses closure, or the actions of social groups to exclude others from different privileges and benefits while including those from within their social group. Lastly SCOT emphasizes stabilization, the act in which social groups coalesce around a technology that is beneficial to them ("Social Construction of Technology", 2020). Through this viewpoint I will see how various social groups have been affected by online court records and how interactions between these groups gave rise to the current state of the technology. As for which social groups

to use, I plan on focusing on those with criminal records, those in the general public, policy makers, those in positions of power (employers, landlords, etc.).

## **Conclusion**

Both the technical report and STS thesis aim to improve research and understanding in the criminal justice system, and see if any improvements can be made. The technical project's court record database will help researchers obtain the aggregate data they need to further their research. This data should hopefully uncover whether criminal justice is administered fairly and evenly throughout Virginia and the country as a whole. On the other hand, my STS thesis will look more closely at online public court records' benefits and costs in our society and examine online public court records placed in the criminal justice system. Together, these projects should benefit policy making.

## References

Ardia, D. S., & Klinefelter, A. (2015, December 1). PRIVACY AND COURT RECORDS: AN EMPIRICAL STUDY. *Berkeley Technology Law Journal*, 30(3), 1807 - 1897.

Conley, A., Datta, A., Helen, N., & Sharma, D. (2012, April 1). SUSTAINING PRIVACY AND OPEN JUSTICE IN THE TRANSITION TO ONLINE COURT RECORDS: A MULTIDISCIPLINARY INQUIRY. *Maryland Law Review*, 71(3), 772 - 847.

Judicial Conference of the United States Committee on Court Administration and Case Management (2001). Report on Privacy and Public Access to Electronic Case Files. Judicial Conference of the U.S.: Washington, D.C..

Lageson, S. E. (2016, May 1). Found Out and Opting Out: The Consequences of Online Criminal Records for Families. *The Annals of the American Academy of Political and Social Science*, 665, 127 - 126.

*Nixon v. Warner Communications, Inc.*, 435 U.S. 589 (1978)

Petersen, I. B. (2015, November 1). Toward True Fair-Chance Hiring: Balancing Stakeholder Interests and Reality in Regulating Criminal Background Checks. *Texas Law Review*, 94(1), 176 - 204.

Saperstein, D. (2020, September 1). Decision Points in Higher Education Administration: The Case of Criminal Background Checks. *Journal of Cases In Educational Leadership*, 23(3), 76 - 84.

"Social Construction of Technology ." *Encyclopedia of Science, Technology, and Ethics*. . Retrieved October 16, 2020 from Encyclopedia.com:  
<https://www.encyclopedia.com/science/encyclopedias-almanacs-transcripts-and-maps/social-construction-technology>

United States (2004). Clerk's Office at Your Desktop: PACER, Public Access to Court Electronic Records. Administrative Office of the U.S. Courts: Washington, D.C..

United States Commission on Civil Rights (2013). Assessing the Impact of Criminal Background Checks and the Equal Employment Opportunity Commission's Conviction Records Policy: A Briefing, Washington, DC. U.S. Commission on Civil Rights: Washington, DC.  
n, DC.