



The Honorable Aaron Michlewitz
Chair, House Committee on Ways and Means
State House, Room 356 Boston, MA 02133

The Honorable Denise Garlick
Vice Chair, House Committee on Ways and Means
State House, Room 238 Boston, MA 02133

The Honorable Claire Cronin
Chair, House Judiciary Committee
State House, Room 136 Boston, MA 02133

The Honorable Michael Day
Vice Chair, House Judiciary Committee
State House, Room 136 Boston, MA 02133

CC: Chairman Carlos Gonzalez and the MA Black and Latino Legislative Caucus

July 16, 2020

Dear Chair Michlewitz, Chair Cronin, Vice Chair Day, Vice Chair Garlick and Members,

We have come together to write to you to respectfully request your consideration to expand the existing expungement law (MGL Ch 276, Section 100E) as the House takes up S.2820 to address **Racial Justice and Police Accountability**. We know this clarification is supported in legislation filed by Chair Marjorie Decker and Chair Kay Khan, with over 60 co-sponsors and that it remains a priority to many members of the MA Black and Latino Legislative Caucus.

The law passed in 2018 was exciting as it indicated the first time in the history of our Commonwealth the systemic second chance that the majority of young people deserve. In the almost two years since implementation, less than 19% of applicants have been approved and none of the young people who advocated for the law benefit because of its restrictions.

As we've learned together in recent years, young adults have the highest recidivism rate of any age group, but that drops as they grow older and mature. The law, however, does not allow for anyone who recidivates but eventually desists from reoffending to benefit. Young people's circumstances and cases are unique and the law aptly gives the court the discretion to approve expungement petitions on a case by case basis, yet the law also categorically disqualifies over 150 charges. We also know that anyone who is innocent of a crime should not have a record, but the current law doesn't distinguish between a dismissal and a conviction. It's for these three main reasons we write to you to champion these clarifications and **now is the time to do it**.

Our criminal justice system is not immune to [structural racism](#) and we join you and all members in the great work needed to set things right. The unfortunate reality is that people of color are far more likely to be subjected to stop and frisk and more likely to get arrested for the same crimes committed by whites. Black youth are three times more likely to get arrested than their white peers and Black residents are six times more likely to go to jail in Massachusetts. Other systems where people of color experience racism are exacerbated, and in many ways legitimized, by the presence of a criminal record. Criminal records are meant to be a tool for public safety but they're more often used as a tool to hold communities of color back from their full economic potential. Expungement can be an important tool to rectify the documented systemic racism at every point of the criminal legal system.

Since the overwhelming number of young people who become involved with the criminal justice system as an adolescent or young adult do so due to a variety of circumstances and since the overwhelming number of those young people grow up and move on with their lives, we are hoping to make clarifying changes to the law. We respectfully ask the law be clarified to:

- **Allow for recidivism** by removing the limit to a single charge or incident. Some young people may need multiple chances to exit the criminal justice system and the overwhelming majority do and pose no risk to public safety.
- **Distinguish between dismissals and convictions** because many young people get arrested and face charges that get dismissed. Those young people are innocent of crimes and they should not have a record to follow them forever.

Refining the law will adequately achieve the desired outcome from 2018: to reduce recidivism, to remove barriers to employment, education, and housing; and to allow people of color who are disproportionately represented in the criminal justice system and who disproportionately experience the collateral consequences of a criminal record the opportunity to move on with their lives and contribute in powerfully positive ways to the Commonwealth and the communities they live, work and raise families in. Within a system riddled with racial disparities, the final step in the process is to allow for as many people as possible who pose no risk to public safety and who are passionate to pursue a positive future, to achieve that full potential here in Massachusetts or anywhere.

Thank you for your consideration,
The Expungement Movement

18 Degrees MA
 ACLU Massachusetts
 Acre Family Childcare
 AFL-CIO Racial Justice Committee
 American Friends Service Committee
 Bethel Institute for Community Development
 Bike Rides For Ordinary People
 Black Economic Council of MA (BECMA)
 The Boston Foundation
 Boston Teachers Union
 Cambodian Mutual Assistance Association
 Cambridge Youth Council
 Center for Asian American Studies, UMass Lowell
 Children's Law Center
 Children's League of Massachusetts
 Citizens For Juvenile Justice
 Coalition for Social Justice
 Commission on LGBTQ Youth
 Committee for Public Counsel Services
 Community Resources for Justice (CRJ)
 Dawn Grenier Consulting
 Elevated Thought
 EMPath
 Equity Impact Associates
 Everett Community Growers
 Family Services of Merrimack Valley: Amigos Mentoring
 Freitas & Freitas, LLP, Attorneys at Law
 Future Chefs
 GLBTQ Legal Advocates and Defenders (GLAD)
 Greater Boston Legal Services, CORI & Re-entry Project
 Greater Haverhill Chamber of Commerce
 Health Resources In Action (HRiA)
 H.O.P.E. Coalition (Worcester)
 Hon. Judge Jay Blitzman
 Hyde Square Task Force
 I Have A Future
 Jewish Alliance for Law and Social Action (JALSA)
 Jobs with Justice - Massachusetts
 John Snow, Inc.
 Jewish Vocational Service (JVS Boston)
 Justice Resource Institute
 Lawrence Against Violence
 League of Women Voters (Massachusetts)
 Legendary Legacies
 Lowell TeleMedia Center
 MA Appleseed Center for Law & Justice
 Mass Bar Association
 MA Coalition to Prevent Gun Violence
 March For Our Lives (Boston)
 MassINC
 Mass Mentoring Partnership
 Massachusetts Community Action Network (MCAN)
 Massachusetts Organization for Addiction Recovery (MOAR)
 Massachusetts Public Health Association
 Massachusetts Workforce Association
 Mental Health Legal Advisors Committee
 Mill City Grows
 Mobilize Medford
 More Than Words
 Mothers for Justice and Equality
 My Life My Choice
 National Association of Social Workers (NASW) MA
 New England Culinary Arts Training (NECAT)
 New North Citizens Council
 NFI Massachusetts
 NorthStar Learning Center
 Old Colony YMCA
 Opportunity Youth United
 Parent Professional Advocacy League
 Per Scholas Greater Boston
 Power of Self Education (P.O.S.E. Inc)
 Project R.I.G.H.T. Inc.
 The Real Cost of Prisons Project
 Resilient Coders
 Robert F. Kennedy Children's Action Corps
 Roca Inc.
 SEIU 509
 SkillWorks
 Stop Handgun Violence
 Straight Ahead Ministries
 Strategies for Youth
 TEASA – Teens in Everett Against Substance Abuse
 Teen Empowerment
 Teens Leading The Way
 UnCornered Boston / College Bound Dorchester
 Union of Minority Neighborhoods
 Unitarian Universalist Mass Action
 United Way of Greater New Bedford
 United Way of Massachusetts Bay and Merrimack Valley
 UTEC, Inc.
 Worcester Community Action Council
 Worcester Youth Center
 Workforce Solutions Group
 Working Cities Lowell
 Violence In Boston
 Violence Intervention and Prevention (VIP)
 Young People's Project (YPP)
 Young Sisters United
 Youth Advocacy Foundation
 Youth MOVE Massachusetts
 Youth Villages
 Year Up