



July X, 2020

To Whom It May Concern:

We have come together to write to you to respectfully request your consideration to clarify the existing expungement law (MGL Ch 276, Section 100E) in any upcoming **Racial Justice and Police Accountability** legislation. We know this clarification is supported in legislation filed by Chair Marjorie Decker and Chair Kay Khan, with over 60 co-sponsors and it is included in the MA Black and Latino Legislative Caucus' list of top priorities for a racial justice bill.

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.
- **Remove certain restrictions** from the 150+ list of charges and allow for the court to do the work the law charges them to do on a case by case basis.

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

ACLU Massachusetts
Bethel Institute for Community Development
The Boston Foundation
Cambodian Mutual Assistance Association
Children's League of Massachusetts
Citizens For Juvenile Justice
Coalition for Social Justice
Committee for Public Counsel Services
EMPath
GLBTQ Legal Advocates and Defenders (GLAD)
Greater Boston Legal Services, CORI & Re-entry Project
H.O.P.E. Coalition (Worcester)
Hon. Judge Jay Blitzman
I Have A Future
Jewish Alliance for Law and Social Action (JALSA)
Stewart Landers, John Snow, Inc.
Justice Resource Institute
Legendary Legacies
MA Appleseed Center for Law & Justice
Mass Bar Association
Mass Mentoring Partnership
Massachusetts Community Action Network (MCAN)
Massachusetts Public Health Association

Massachusetts Workforce Association
Mental Health Legal Advisors Committee
Mill City Grows
More Than Words
My Life My Choice
New North Citizens Council
Parent Professional Advocacy League
The Real Cost of Prisons Project
Roca Inc.
SkillWorks
Straight Ahead Ministries
Strategies For Youth
Teens Leading The Way
UnCornered Boston / College Bound Dorchester
Union of Minority Neighborhoods
United Way of Greater New Bedford
UTEC, Inc.
Worcester Community Action Council
Workforce Solutions Group
Violence In Boston
Youth Advocacy Foundation
Youth MOVE Massachusetts
Youth Villages