



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  
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 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  
Freitas & Freitas, LLP, Attorneys at Law  
GLBTQ Legal Advocates and Defenders (GLAD)  
Greater Boston Legal Services, CORI & Re-entry Project  
Greater Haverhill Chamber of Commerce  
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  
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  
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  
Workforce Solutions Group  
Working Cities Lowell  
Violence In Boston  
Young Sisters United  
Youth Advocacy Foundation  
Youth MOVE Massachusetts  
Youth Villages  
Year Up