



LAW ENFORCEMENT ACTION PARTNERSHIP

ADVANCING JUSTICE AND PUBLIC SAFETY SOLUTIONS

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Date: May 6, 2021

Re: S. I 553A/A.6399: Relates to automatic expungement of certain convictions

Position: SUPPORT

To: New York Senate Codes Committee

Distinguished Members of the Committee,

Thank you for the opportunity to testify today in support of S. I 553A/A.6399, which would provide a two-step process for automatic expungement. I am here to represent myself, having spent my career as a police officer and deputy chief, and as a speaker for the Law Enforcement Action Partnership (LEAP).

LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety, promoting alternatives to arrest and incarceration, addressing the root causes of crime, and working toward healing police-community relations.

As a result of over thirty years in policing and encountering numerous individuals that have gone through our criminal justice system, it is clear that carrying a criminal conviction or convictions produces challenges that are often insurmountable. Among these challenges is the difficulty in gaining meaningful employment giving some individuals few options but to return to crime if they want to support themselves and their families. Our state's legislators are now considering a Clean Slate expungement bill that would clear old records automatically so that a criminal record does not need to be a permanent barrier to participating in one's community. I believe this bill would greatly improve recidivism rates, and bring New York in line with other states passing Clean Slate laws.

One reason people return to crime is because their criminal record is an obstacle to legal employment and stable housing. I recall as a young officer with the Rochester Police Department, chasing a 14-year-old down the street who was carrying a stolen television. By the time that young man was of working age, his criminal record had become a barrier to finding a real job. As I am certain you are aware, when people with criminal records apply for jobs or housing, employers, landlords, and housing authorities frequently deny their applications based on their conviction(s). If individuals cannot support themselves or their families, or if they face homelessness, they are far more likely to reoffend to survive. This problem is significant in our state since 2.3 million New Yorkers have criminal convictions. When you have no hope of being able to participate in society, the only hope you're left with is to survive.

There is a remedy for people trapped indefinitely by their criminal records. The expungement bill currently being considered would seal or erase someone's criminal record after a period of time of good behavior, so that they can have a fresh start in the legal labor and housing market. There is evidence to support this: a recent study in the [Harvard Law Review](#) showed that people who obtained expungements were less likely to reoffend.

To bring New York the benefits of expungement, our state legislators have introduced S.1553A/A.6399. If a person is no longer under supervision from probation or parole and has no pending New York criminal charges, this legislation would put in motion an automatic two-step process that would clear their records after several years without committing a new crime. The process would not apply to individuals placed on the sex offender registry. This process would have the added benefit of freeing our court system from the time and expense which results from high recidivism rates.

New York has an opportunity to be a leader as Clean Slate laws are sweeping the nation. Pennsylvania was the first to pass Clean Slate legislation, followed by Utah, Michigan, and most recently Virginia. Today, active Clean Slate campaigns are underway in states including Connecticut, Delaware, Louisiana, Texas, and Oregon.

As a former police officer and retired deputy chief, I am encouraged by the work of New York leaders to advance Clean Slate legislation. Now that millions of New Yorkers have completed their sentences, we would all benefit by creating a process to have their records sealed and expunged. Once those who have served their sentence are allowed to fully rejoin society, they will contribute to healthier families and safer communities. With Clean Slate legislation, everyone wins.

Thank you for the opportunity to share my experience in support of this bill.

Deputy Chief Wayne Harris (Ret.)
Rochester Police Department
Speaker, Law Enforcement Action Partnership