May 11, 2019

Representative David LaGrand
House Office Building 1094-N
Lansing, Michigan
48933

Dear Representative LaGrand,

After 16 years as a police officer for the City of Big Rapids, and as a speaker for the Law Enforcement Action Partnership (LEAP), I welcome and applaud your efforts to introduce legislation that would expand, and in some cases automate, criminal record clearance. LEAP is a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience within the criminal legal system about what we need to improve. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety, addressing the root causes of crime, and working toward healing police-community relations.

I have learned from my time in law enforcement that public safety is not only about enforcing the law, but also about building healthy communities. As a police officer, every day I interacted with people who made mistakes -- mistakes that all too often led to a criminal record that followed them for the rest of their lives. A criminal record haunts former offenders as they leave jail or prison with no resources or transportation. It hinders them as they seek education, employment, and housing. It holds them back as they attempt to make amends with their families and communities. It prevents them from seeking employment necessary to pay back restitution to victims. This is true even when people have turned their lives around and truly want to take the best path forward. Post-release barriers to re-entry into the community often make that process nearly impossible. Those who succeed after release do so in spite of these barriers, not because of them. The mark of a conviction should not be a life sentence. We must enact legislation that recognizes when people have moved past their mistakes and are taking positive steps forward.

We can maximize the positive impact of this legislation by expanding eligibility and automating the process for certain convictions. New research from the University of Michigan shows the concrete benefits to public safety of expanding eligibility for expunging or "setting aside" a conviction. While 28 percent of Michiganders recidivate within three years, just 4.2 percent of Michiganders who have received a set-aside recidivate within five years.[1] Those who received expungements for violent offenses recidivate at just 0.6 percent.[2]  By preventing recidivism, we also begin to address the biggest

concern of crime survivors, which is to make sure the person who hurt them doesn't hurt anyone else. So expungement is simultaneously making us safer, reducing crime, and addressing the needs of victims.

I also urge you to support automatic expungement for people with misdemeanor convictions as well. Today, only 6.5 percent of those who are eligible actually seek to have their record set aside.[3] The process is often too expensive or too challenging to navigate. Automatic expungement will maximize the aforementioned benefits to our communities.

There is no public safety justification for complicating the expungement process. Data shows that if people have lived for five years without committing a subsequent crime, they are no more likely to re-offend than the general public.[4] Some prosecutors are asking for the power to veto individual set-asides, but the data shows this is unnecessary. It will simply waste our prosecutors' valuable time. Representing West Michigan, I understand that you are under significant pressure by voters to be tough on crime. For the reasons listed above, I submit to you that the positions I've outlined amount to being SMART about crime -- saving time and valuable resources, while allowing former offenders to become productive members of society. Everyone wins with Clean Slate legislation.

Representative LaGrand, I know you have been working on expungement reform in the State of Michigan for a few years, and I applaud your work. We appreciate your goal for Michigan to be the first state in the nation to have automatic, Clean Slate expungements. I urge you to pass Clean Slate legislation that automates misdemeanor set-asides with no prosecutorial objection process. Please know that in doing so, you will have the support of many current and former law enforcement professionals across Michigan and the United States.

Sincerely,



Jason Jakubowski
Former Police Officer
Big Rapids Department of Public Safety
Speaker, Law Enforcement Action Partnership

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4.  Blumstein, A. and Nakamura, K. Extension of Current Estimates of Redemption Times: Robustness Testing, Out-of-State Arrests, and Racial Differences. 2012. https://www.ncjrs.gov/pdffiles1/nij/grants/240100.pdf