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Testimony from:

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In SUPPORT of SB 111

May 19, 2021

House Judiciary Committee

Chairman and members of the committee,

My name is Jillian E. Snider, and I am the policy director of criminal justice and civil liberties at the R Street Institute, which is a nonprofit, nonpartisan, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform, and that is why SB 111 is of special interest to us.

Delaware currently has a population of approximately one million citizens. According to a 2019 report, 30,038 individuals were arrested in that year, and more than 75 percent of those individuals were charged with low-level offenses.¹ An overwhelming majority of these individuals will suffer endless effects due to their criminal history.

The consequence of having a criminal record can be everlasting—it often serves as a barrier in attaining the most basic human needs. Individuals convicted of past crimes, who have paid their debt to society, may be excluded from various employment and educational opportunities, resulting in their inability to achieve normal societal goals by conventional means. Previously incarcerated individuals are less likely to finish high school, are significantly less likely to complete college, and account for approximately 27 percent of the nation’s unemployment rate.²

Besides the clear individual-level benefit of expunction, it has advantages from both a public safety and economic perspective. A prior conviction makes it extremely difficult to secure suitable housing or achieve gainful employment, and thus formerly incarcerated individuals are plagued with homelessness and poverty. These stressors are what can lead to reoffending, and that is why offering individuals a clean slate is so crucial. Additionally, due to the heavy reliance on background checks for employment, not only are previously incarcerated individuals unable to find a job, often times, employers have a hard time filling available positions due to fear of the imposed stigma that comes with hiring a perfectly capable—but previously convicted—individual. Research has indicated that wages increase by approximately 25 percent following an expungement, resulting in an overall positive effect on the economy.³



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District attorneys and top law enforcement executives around the country, as well as national law enforcement organizations, such as the Law Enforcement Action Partnership and National Organization of Black Law Enforcement Executives, have signed on to support Clean Slate Initiatives.⁴ Many states have begun offering automatic expungement for individuals who have not reoffended for a specific period of time, and over the past year, district attorneys' offices have decided to decline prosecution of certain low-level offenses, many of which are the exact crimes excluding previously convicted individuals from living a normal, productive life.⁵ Why should the law hold individuals who have already paid their debt to society to a different standard?

Providing automatic expungement for eligible individuals is a first step to remedying the widespread overcriminalization that has permeated our criminal justice system for far too long. The enactment of SB 111 will provide a second chance to those who truly deserve it—individuals who have paid their debt to society and are committed to a crime-free life.

Thank you for your time and consideration.

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¹ Federal Bureau of Investigation, "2019 Crime in the United States," U.S. Department of Justice, 2019. <https://ucr.fbi.gov/crime-in-the-u.s/2019/crime-in-the-u.s.-2019/tables/table-69>.

² Akua Amaning and Brent J. Cohen, "Mitigating the Impacts of a Criminal Record on Young Adults in the U.S.," Center for American Progress, April 15, 2020. <https://www.americanprogress.org/issues/criminal-justice/news/2020/04/15/483243/mitigating-impacts-criminal-record-young-adults-us>.

³ Cherrie Bucknor and Alan Barber, "The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies," Center for Economic and Policy Research, June 2016. <https://cepr.net/images/stories/reports/employment-prisoners-felonies-2016-06.pdf>.



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⁴ “Letter: 80 Elected Prosecutors and Law Enforcement Leaders Support Clean Slate Initiatives,” *The Davis Vanguard*, May 4, 2021. <https://www.davisvanguard.org/2021/05/letter-80-elected-prosecutors-and-law-enforcement-leaders-support-clean-slate-initiatives>.

⁵ Joshua Vaughn, “The Pandemic Prompted Marilyn Mosby to Stop Prosecuting Low-Level Crimes. Will Other D.A.s Follow?”, *The Appeal*, April 12, 2021. <https://theappeal.org/the-pandemic-prompted-marilyn-mosby-to-stop-prosecuting-low-level-crimes-will-other-d-a-s-follow>.